



3 E. 89TH STREET

3 E. 89th Street, New York, New York
Environmental Assessment Statement
CEQR #: 21DCP188M

Prepared on behalf of:
3 East 89 Holding LLC

Prepared by:
BFJ Planning

December 30, 2021

BFJ Planning

Table of Contents

CEQR ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) FULL FORM	iv
ATTACHMENT A-1: PROJECT DESCRIPTION	14
1.1 Project Location	16
1.2 Required Approvals and Proposed Actions	17
1.3 Purpose and Need for Proposed Actions.....	18
1.4 Description of the Proposed Development	19
ATTACHMENT B: TECHNICAL ANALYSES	46
ATTACHMENT B-1: LAND USE, ZONING AND PUBLIC POLICY	47
1.1 Land Use	47
1.2 Zoning	49
1.3 Public Policy	53
ATTACHMENT B-2: SHADOWS.....	55
2.1 Introduction	55
2.2 Methodology	55
2.3 Assessment	56
ATTACHMENT B-3: HISTORIC AND CULTURAL RESOURCES	67
3.1 Introduction	67
3.2 Methodology	68
3.3 Assessment	68
ATTACHMENT B-4: URBAN DESIGN AND VISUAL RESOURCES	75
4.1 Introduction	75
4.2 Methodology	75
4.3 Assessment	75
ATTACHMENT B-5: HAZARDOUS MATERIALS.....	83
5.1 Introduction	83
5.2 Phase I Environmental Site Assessment	83
ATTACHMENT B-6: TRANSPORTATION	85
6.1 Introduction	85
6.2 Background	85
6.3 Methodology	86
6.4 Level 1 Screening Assessment	86
ATTACHMENT B-7: AIR QUALITY	92
7.1 Introduction	92
7.2 Methodology	92
7.3 Assessment	93
ATTACHMENT B-8: CONSTRUCTION IMPACTS	99
8.1 Introduction	99
8.2 Methodology	99
8.3 Assessment	100

Appendices

Appendix A: NYC LPC Correspondence

Appendix B: Tier 3 Shadow Analysis

Appendix C: NYC DEP Correspondence

Appendix D: NYC DOT and NYC DCP Correspondence

Appendix E: Boiler Capacity Letter

Appendix F: Air Toxics Analysis Table

CEQR ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) FULL FORM



City Environmental Quality Review

ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) FULL FORM

Please fill out and submit to the appropriate agency ([see instructions](#))

Part I: GENERAL INFORMATION

PROJECT NAME 3 E. 89th Street

1. Reference Numbers

CEQR REFERENCE NUMBER (to be assigned by lead agency)
21DCP188M

BSA REFERENCE NUMBER (if applicable)

ULURP REFERENCE NUMBER (if applicable)
220174ZSM

OTHER REFERENCE NUMBER(S) (if applicable)
(e.g., legislative intro, CAPA) LPC-20-1118

2a. Lead Agency Information

NAME OF LEAD AGENCY

NYC Department of City Planning

NAME OF LEAD AGENCY CONTACT PERSON

Stephanie Shellooe, Director – Environmental
Assessment and Review Division

2b. Applicant Information

NAME OF APPLICANT

3 East 89 Holding LLC

NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON

Stuart Beckerman

ADDRESS 120 Broadway, 31st Floor

ADDRESS 40 Exchange Place, Suite 1502

CITY New York

STATE NY

ZIP 10271

CITY New York

STATE NY

ZIP 10005

TELEPHONE 212-720-3328

EMAIL

sshellooe@planning.nyc.gov

TELEPHONE 212-391-8045

EMAIL

SBeckerman@hseny.com

3. Action Classification and Type

SEQRA Classification

☒ UNLISTED ☐ TYPE I: Specify Category (see 6 NYCRR 617.4 and NYC Executive Order 91 of 1977, as amended):

Action Type (refer to [Chapter 2](#), "Establishing the Analysis Framework" for guidance)

☒ LOCALIZED ACTION, SITE SPECIFIC

☐ LOCALIZED ACTION, SMALL AREA

☐ GENERIC ACTION

4. Project Description

3 East 89 Holding LLC (the "Applicant") seeks a special permit pursuant to Zoning Resolution (ZR) Section 74-711 (Landmark Preservation in all Districts) to waive the use, rear yard, height, and minimum distance between buildings regulations that apply to the site at 3 East 89th Street (the "Development Site"). The Development Site is 3 East 89th Street (Block 1501, Lot 5) in the Carnegie Hill section of the Carnegie Hill in Manhattan Community District 8. The Development Site is part of a larger zoning lot comprised of three tax lots: 3 East 89th Street (Lot 5), 5-7 East 89th Street (Lot 7) and 1083 Fifth Avenue (Lot 4) (the "Combined Zoning Lot"). The proposed special permit would facilitate, in two phases, the conversion and enlargement of 3 East 89th Street (Lot 5), and would not make any changes to Lot 4 or Lot 7. The first phase ("Phase 1") of the proposed project includes the conversion of floors one through five of the building to a Use Group 6 commercial art gallery, and as-of-right interior renovations and façade restoration that would facilitate the change of use. The second phase ("Phase 2") of the proposed project includes:

1. Enlargement of the Use Group 6 commercial art gallery at:

- the rear of the building above the existing first floor footprint, at floors two and three;
- the eastern side of the building above the existing first floor footprint, at floors two through three; and

2. Converting floors four and five to a single Use Group 2 residential dwelling unit; and

3. Enlargement of the Use Group 2 residential dwelling unit by:

- enlarging the eastern side of the building above the first floor footprint, at the fourth floor;
- enlarging the fifth floor behind the existing copper-clad mansard; and
- constructing a new sixth floor.

The existing five-story building at 3 E. 89th Street is 17,643 gsf and would be expanded to 23,281 gsf under the Proposed Action (increase of 5,638 gsf). The existing building is 78 feet, 11.5 inches tall, and would be expanded to 93 feet, 10.5 inches tall under the Proposed Action (increase of 14 feet, 11 inches).

Project Location

BOROUGH Manhattan

COMMUNITY DISTRICT(S)
Manhattan CD 8

STREET ADDRESS Three tax lots on one zoning lot: 1083 Fifth Avenue, 3 E. 89th Street (Lot 5), 5 E. 89th Street

TAX BLOCK(S) AND LOT(S) Block 1501; Lots 4, 5, and 7	ZIP CODE 10128
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS Three lots on the central and western portion of Block 1501, near the intersection of E. 89th Street and 5th Avenue in the Carnegie Hill neighborhood of Manhattan's Upper East Side.	
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY Split zoned: R10 (Special Park Improvement District), R8B; Lot 4: R10 (PI), Development Site: Split R10 (PI) and R8B, Lot 7: R8B.	ZONING SECTIONAL MAP NUMBER 5d
5. Required Actions or Approvals (check all that apply)	
City Planning Commission: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNIFORM LAND USE REVIEW PROCEDURE (ULURP) <input type="checkbox"/> CITY MAP AMENDMENT <input type="checkbox"/> ZONING CERTIFICATION <input type="checkbox"/> CONCESSION <input type="checkbox"/> ZONING MAP AMENDMENT <input type="checkbox"/> ZONING AUTHORIZATION <input type="checkbox"/> UDAAP <input type="checkbox"/> ZONING TEXT AMENDMENT <input type="checkbox"/> ACQUISITION—REAL PROPERTY <input type="checkbox"/> REVOCABLE CONSENT <input type="checkbox"/> SITE SELECTION—PUBLIC FACILITY <input type="checkbox"/> DISPOSITION—REAL PROPERTY <input type="checkbox"/> FRANCHISE <input type="checkbox"/> HOUSING PLAN & PROJECT <input type="checkbox"/> OTHER, explain: <input checked="" type="checkbox"/> SPECIAL PERMIT (if appropriate, specify type: <input type="checkbox"/> modification; <input type="checkbox"/> renewal; <input type="checkbox"/> other); EXPIRATION DATE:	
SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION 74-711 Special Permit modifies ZR 22-10 (change of use); ZR 23-47 (rear yard); and ZR 23-662 ZR 22-692, ZR 24-592 (height), and ZR 23-711 (minimum distance between buildings)	
Board of Standards and Appeals: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> VARIANCE (use) <input type="checkbox"/> VARIANCE (bulk) <input type="checkbox"/> SPECIAL PERMIT (if appropriate, specify type: <input type="checkbox"/> modification; <input type="checkbox"/> renewal; <input type="checkbox"/> other); EXPIRATION DATE:	
SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION	
Department of Environmental Protection: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If "yes," specify:	
Other City Approvals Subject to CEQR (check all that apply) <input type="checkbox"/> LEGISLATION <input type="checkbox"/> FUNDING OF CONSTRUCTION, specify: <input type="checkbox"/> RULEMAKING <input type="checkbox"/> POLICY OR PLAN, specify: <input type="checkbox"/> CONSTRUCTION OF PUBLIC FACILITIES <input type="checkbox"/> FUNDING OF PROGRAMS, specify: <input type="checkbox"/> 384(b)(4) APPROVAL <input type="checkbox"/> PERMITS, specify: <input type="checkbox"/> OTHER, explain:	
Other City Approvals Not Subject to CEQR (check all that apply) <input type="checkbox"/> PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC) <input checked="" type="checkbox"/> LANDMARKS PRESERVATION COMMISSION APPROVAL <input type="checkbox"/> OTHER, explain:	
State or Federal Actions/Approvals/Funding: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If "yes," specify:	
6. Site Description: The directly affected area consists of the project site and the area subject to any change in regulatory controls. Except where otherwise indicated, provide the following information with regard to the directly affected area. Graphics: The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 inches.	
<input checked="" type="checkbox"/> SITE LOCATION MAP <input checked="" type="checkbox"/> ZONING MAP <input checked="" type="checkbox"/> SANBORN OR OTHER LAND USE MAP <input checked="" type="checkbox"/> TAX MAP <input type="checkbox"/> FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S) <input checked="" type="checkbox"/> PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP	
Physical Setting (both developed and undeveloped areas) Total directly affected area (sq. ft.): Development Site: 4,028 sf Waterbody area (sq. ft.) and type: Roads, buildings, and other paved surfaces (sq. ft.): Development Other, describe (sq. ft.): Site: 4,028 sf	
7. Physical Dimensions and Scale of Project (if the project affects multiple sites, provide the total development facilitated by the action) SIZE OF PROJECT TO BE DEVELOPED (gross square feet): 5,638 expansion for a total building size of 23,281. NUMBER OF BUILDINGS: 1 GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 23,281 HEIGHT OF EACH BUILDING (ft.): Existing: 78 ft 11.5 in, Proposed NUMBER OF STORIES OF EACH BUILDING: Existing 5, Proposed 6 93 ft 10.5 in	
Does the proposed project involve changes in zoning on one or more sites? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If "yes," specify: The total square feet owned or controlled by the applicant: The total square feet not owned or controlled by the applicant:	

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? ☒ YES ☐ NO

If "yes," indicate the estimated area and volume dimensions of subsurface disturbance (if known):

AREA OF TEMPORARY DISTURBANCE: 76.9 (10.25' x 7.5') sq. ft.
(width x length)

VOLUME OF DISTURBANCE: 281.3 (6.25' x 7.5' x 6') cubic ft. (width
x length x depth)

AREA OF PERMANENT DISTURBANCE: 46.9 (6.25' x 7.5') sq. ft.
(width x length)

8. Analysis Year [CEQR Technical Manual Chapter 2](#)

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2023

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS:

WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? ☐ YES ☒ NO IF MULTIPLE PHASES, HOW MANY? 2

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: Phase 1: Interior renovation and exterior restoration (both as-of-right) and conversion of floors one through four to a Use Group 6 commercial art gallery. The Use Group 6 commercial art gallery would commence once the special permit is granted, which is anticipated to be in May 2022. Phase 2: Enlargement of the building to the rear and east at floors one through four, enlarging the fifth floor behind the existing copper-clas masnard, constructing a new sixth floor, and converting floors four through six to a single Use Group 2 residential unit. The renovation and restoration are complete, except for those that would happen during the building expansion are currently underway. Phase 2 is expected to begin in approximately July 2022 and be completed by May 2023.

9. Predominant Land Use in the Vicinity of the Project (check all that apply)

☒ RESIDENTIAL ☐ MANUFACTURING ☒ COMMERCIAL ☒ PARK/FOREST/OPEN SPACE ☒ OTHER, specify:
Institutional

DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS

The information requested in this table applies to the directly affected area. The directly affected area consists of the project site and the area subject to any change in regulatory control. The increment is the difference between the No-Action and the With-Action conditions.

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
LAND USE				
Residential	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
Describe type of residential structures			One single-family dwelling unit	One single-family dwelling unit
No. of dwelling units	0	0	1	1
No. of low- to moderate-income units	0	0	0	0
Gross floor area (sq. ft.)	0	0	7,569	7,569
Commercial	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
Describe type (retail, office, other)			Use Group 6 commercial art gallery	Use Group 6 commercial art gallery
Gross floor area (sq. ft.)			15,712	15,712
Manufacturing/Industrial	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Type of use				
Gross floor area (sq. ft.)				
Open storage area (sq. ft.)				
If any unenclosed activities, specify:				
Community Facility	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Type	Use Group 3 nonprofit art gallery	Lot 5: Use Group 3 nonprofit art gallery; Lot 7: Use Group 3 nonprofit art museum	N/A	(-Lot 5: Use Group 3 nonprofit art gallery)
Gross floor area (sq. ft.)	17,643	17,643	N/A	(-17,643)
Vacant Land	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:				
Publicly Accessible Open Space	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify type (mapped City, State, or Federal parkland, wetland—mapped or otherwise known, other):				
Other Land Uses	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:				
PARKING				
Garages	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Attended or non-attended				
Lots	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Other (includes street parking)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:				

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
POPULATION				
Residents	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify number:			Lot 5: 3	3
Briefly explain how the number of residents was calculated:	The average household size of an owner-occupied unit is 2.16 for Census Tract 150.02. This is rounded up to 3 people.			
Businesses	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
No. and type	Nonprofit art gallery	Nonprofit art gallery	Commercial art gallery	(-Nonprofit art gallery), Commercial art gallery
No. and type of workers by business	6 workers	6 workers	6 workers:	No notable change
No. and type of non-residents who are not workers	N/A	N/A	N/A	N/A
Briefly explain how the number of businesses was calculated:	Number of workers provided by the Applicant.			
Other (students, visitors, concert-goers, etc.)	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If any, specify type and number:	Gallery visitors by appointment and ~200 visitors over six weeks during exhibitions.	Gallery visitors by appointment and ~200 visitors over six weeks during exhibitions.	Gallery visitors by appointment and ~200 visitors over six weeks during exhibitions.	No notable change
Briefly explain how the number was calculated:	Number of visitors provided by the Applicant who currently operates other art galleries around New York City.			
ZONING				
Zoning classification	Split: R10 (PI), R8B	Split: R10 (PI), R8B	Split: R10 (PI), R8B	No change
Maximum amount of floor area that can be developed	29,878.62 ZFA	Lot 5: 29,878.62 ZFA	29,878.62 ZFA	No change
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	Mixed use: Community Facility, Residential, Mixed Residential and Commercial, Commercial, Park	Mixed use: Community Facility, Residential, Mixed Residential and Commercial, Commercial, Park	Mixed use: Community Facility, Residential, Mixed Residential and Commercial, Commercial, Park	No change
Attach any additional information that may be needed to describe the project.				
If your project involves changes that affect one or more sites not associated with a specific development, it is generally appropriate to include total development projections in the above table and attach separate tables outlining the reasonable development scenarios for each site.				

Part II: TECHNICAL ANALYSIS

INSTRUCTIONS: For each of the analysis categories listed in this section, assess the proposed project's impacts based on the thresholds and criteria presented in the CEQR Technical Manual. Check each box that applies.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the "no" box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the "yes" box.
- For each "yes" response, provide additional analyses (and, if needed, attach supporting information) based on guidance in the CEQR Technical Manual to determine whether the potential for significant impacts exists. Please note that a "yes" answer does not mean that an EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to provide additional information to support the Full EAS Form. For example, if a question is answered "no," an agency may request a short explanation for this response.

	YES	NO
1. LAND USE, ZONING, AND PUBLIC POLICY: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Is there the potential to affect an applicable public policy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) If "yes," to (a), (b), and/or (c), complete a preliminary assessment and attach. See Attachment B-1		
(e) Is the project a large, publicly sponsored project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," complete the Consistency Assessment Form .		
2. SOCIOECONOMIC CONDITIONS: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
o Generate a net increase of more than 200 residential units or 200,000 square feet of commercial space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ If "yes," answer both questions 2(b)(ii) and 2(b)(iv) below.		
o Directly displace 500 or more residents?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ If "yes," answer questions 2(b)(i), 2(b)(ii), and 2(b)(iv) below.		
o Directly displace more than 100 employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ If "yes," answer questions under 2(b)(iii) and 2(b)(iv) below.		
o Affect conditions in a specific industry?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ If "yes," answer question 2(b)(v) below.		
(b) If "yes" to any of the above, attach supporting information to answer the relevant questions below. If "no" was checked for each category above, the remaining questions in this technical area do not need to be answered.		
i. Direct Residential Displacement		
o If more than 500 residents would be displaced, would these residents represent more than 5% of the primary study area population?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," is the average income of the directly displaced population markedly lower than the average income of the rest of the study area population?	<input type="checkbox"/>	<input type="checkbox"/>
ii. Indirect Residential Displacement		
o Would expected average incomes of the new population exceed the average incomes of study area populations?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes:"		
▪ Would the population of the primary study area increase by more than 10 percent?	<input type="checkbox"/>	<input type="checkbox"/>
▪ Would the population of the primary study area increase by more than 5 percent in an area where there is the potential to accelerate trends toward increasing rents?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes" to either of the preceding questions, would more than 5 percent of all housing units be renter-occupied and unprotected?	<input type="checkbox"/>	<input type="checkbox"/>
iii. Direct Business Displacement		
o Do any of the displaced businesses provide goods or services that otherwise would not be found within the trade area, either under existing conditions or in the future with the proposed project?	<input type="checkbox"/>	<input type="checkbox"/>

	YES	NO
<ul style="list-style-type: none"> Is any category of business to be displaced the subject of other regulations or publicly adopted plans to preserve, enhance, or otherwise protect it? 	<input type="checkbox"/>	<input type="checkbox"/>
iv. Indirect Business Displacement		
<ul style="list-style-type: none"> Would the project potentially introduce trends that make it difficult for businesses to remain in the area? 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Would the project capture retail sales in a particular category of goods to the extent that the market for such goods would become saturated, potentially resulting in vacancies and disinvestment on neighborhood commercial streets? 	<input type="checkbox"/>	<input type="checkbox"/>
v. Effects on Industry		
<ul style="list-style-type: none"> Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area? 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Would the project indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses? 	<input type="checkbox"/>	<input type="checkbox"/>
3. COMMUNITY FACILITIES: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
<ul style="list-style-type: none"> Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, health care facilities, day care centers, police stations, or fire stations? 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Indirect Effects		
i. Child Care Centers		
<ul style="list-style-type: none"> Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6) 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> If "yes," would the project result in a collective utilization rate of the group child care/Head Start centers in the study area that is greater than 100 percent? 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> If "yes," would the project increase the collective utilization rate by 5 percent or more from the No-Action scenario? 	<input type="checkbox"/>	<input type="checkbox"/>
ii. Libraries		
<ul style="list-style-type: none"> Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6) 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> If "yes," would the project increase the study area population by 5 percent or more from the No-Action levels? 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> If "yes," would the additional population impair the delivery of library services in the study area? 	<input type="checkbox"/>	<input type="checkbox"/>
iii. Public Schools		
<ul style="list-style-type: none"> Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6) 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> If "yes," would the project result in a collective utilization rate of the elementary and/or intermediate schools in the study area that is equal to or greater than 100 percent? 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> If "yes," would the project increase this collective utilization rate by 5 percent or more from the No-Action scenario? 	<input type="checkbox"/>	<input type="checkbox"/>
iv. Health Care Facilities		
<ul style="list-style-type: none"> Would the project result in the introduction of a sizeable new neighborhood? 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> If "yes," would the project affect the operation of health care facilities in the area? 	<input type="checkbox"/>	<input type="checkbox"/>
v. Fire and Police Protection		
<ul style="list-style-type: none"> Would the project result in the introduction of a sizeable new neighborhood? 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> If "yes," would the project affect the operation of fire or police protection in the area? 	<input type="checkbox"/>	<input type="checkbox"/>
4. OPEN SPACE: CEQR Technical Manual Chapter 7		
(a) Would the project change or eliminate existing open space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Is the project located within an under-served area in the Bronx , Brooklyn , Manhattan , Queens , or Staten Island ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes," would the project generate more than 50 additional residents or 125 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
(d) Is the project located within a well-served area in the Bronx , Brooklyn , Manhattan , Queens , or Staten Island ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) If "yes," would the project generate more than 350 additional residents or 750 additional employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) If the project is located in an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) If "yes" to questions (c), (e), or (f) above, attach supporting information to answer the following:		
<ul style="list-style-type: none"> If in an under-served area, would the project result in a decrease in the open space ratio by more than 1 percent? 	<input type="checkbox"/>	<input type="checkbox"/>

	YES	NO
<ul style="list-style-type: none"> ○ If in an area that is not under-served, would the project result in a decrease in the open space ratio by more than 5 percent? 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> ○ If "yes," are there qualitative considerations, such as the quality of open space, that need to be considered? Please specify: 	<input type="checkbox"/>	<input type="checkbox"/>
5. SHADOWS: CEQR Technical Manual Chapter 8		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) If "yes" to either of the above questions, attach supporting information explaining whether the project's shadow would reach any sunlight-sensitive resource at any time of the year. See Attachment B-2		
6. HISTORIC AND CULTURAL RESOURCES: CEQR Technical Manual Chapter 9		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources. See Attachment B-3		
7. URBAN DESIGN AND VISUAL RESOURCES: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above, please provide the information requested in Chapter 10 . See Attachment B-4		
8. NATURAL RESOURCES: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> ○ If "yes," list the resources and attach supporting information on whether the project would affect any of these resources. 		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> ○ If "yes," complete the Jamaica Bay Watershed Form and submit according to its instructions. 		
9. HAZARDOUS MATERIALS: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (e.g., gas stations, oil storage facilities, heating oil storage)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Has a Phase I Environmental Site Assessment been performed for the site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> ○ If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify: See Attachment B-5. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) Based on the Phase I Assessment, is a Phase II Investigation needed? A Phase II Investigation was not recommended.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. WATER AND SEWER INFRASTRUCTURE: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
(c) If the proposed project located in a separately sewer area , would it result in the same or greater development than that listed in Table 13-1 in Chapter 13 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Would the project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas , including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Would the proposed project be located in an area that is partially sewer or currently unsewer?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or contribute contaminated stormwater to a separate storm sewer system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) If "yes" to any of the above, conduct the appropriate preliminary analyses and attach supporting documentation.		
11. SOLID WASTE AND SANITATION SERVICES: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14 , the project's projected operational solid waste generation is estimated to be (pounds per week): 515		
o Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project comply with the City's Solid Waste Management Plan?	<input type="checkbox"/>	<input type="checkbox"/>
12. ENERGY: CEQR Technical Manual Chapter 15		
(a) Using energy modeling or Table 15-1 in Chapter 15 , the project's projected energy use is estimated to be (annual BTUs): 4.1E3		
(b) Would the proposed project affect the transmission or generation of energy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. TRANSPORTATION: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16 ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) If "yes," conduct the appropriate screening analyses, attach back up data as needed for each stage, and answer the following questions:		
o Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? <i>**It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.</i>	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway/rail trips per station or line?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 pedestrian trips per project peak hour?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?	<input type="checkbox"/>	<input type="checkbox"/>
14. AIR QUALITY: CEQR Technical Manual Chapter 17		
(a) <i>Mobile Sources:</i> Would the proposed project result in the conditions outlined in Section 210 in Chapter 17 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) <i>Stationary Sources:</i> Would the proposed project result in the conditions outlined in Section 220 in Chapter 17 ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17 ? (Attach graph as needed) See Attachment B-7.	<input type="checkbox"/>	<input type="checkbox"/>
(c) Does the proposed project involve multiple buildings on the project site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
15. GREENHOUSE GAS EMISSIONS: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project fundamentally change the City's solid waste management system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the proposed project result in the development of 350,000 square feet or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) If "yes" to any of the above, would the project require a GHG emissions assessment based on guidance in Chapter 18 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
<ul style="list-style-type: none"> o If "yes," would the project result in inconsistencies with the City's GHG reduction goal? (See Local Law 22 of 2008; § 24-803 of the Administrative Code of the City of New York). Please attach supporting documentation. 	<input type="checkbox"/>	<input type="checkbox"/>
16. NOISE: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
17. PUBLIC HEALTH: CEQR Technical Manual Chapter 20		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20 , "Public Health." Attach a preliminary analysis, if necessary.		
18. NEIGHBORHOOD CHARACTER: CEQR Technical Manual Chapter 21		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21 , "Neighborhood Character." Attach a preliminary analysis, if necessary.		
19. CONSTRUCTION: CEQR Technical Manual Chapter 22		
(a) Would the project's construction activities involve:		
o Construction activities lasting longer than two years?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc.)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o The operation of several pieces of diesel equipment in a single location at peak construction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Closure of a community facility or disruption in its services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Activities within 400 feet of a historic or cultural resource?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o Disturbance of a site containing or adjacent to a site containing natural resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22 , "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination.		
See Attachment B-7		

20. APPLICANT'S CERTIFICATION

I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of the pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.

Still under oath, I further swear or affirm that I make this statement in my capacity as the applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.

APPLICANT/REPRESENTATIVE NAME

SIGNATURE

DATE

Sarah K. Yackel, Principal, BFJ Planning

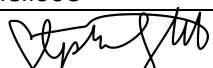
Sarah K. Yackel

12/30/2021

PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.

Part III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)

INSTRUCTIONS: In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance.

1. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.		Potentially Significant Adverse Impact	
		YES	NO
IMPACT CATEGORY			
Land Use, Zoning, and Public Policy		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Socioeconomic Conditions		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Community Facilities and Services		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Open Space		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Shadows		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Historic and Cultural Resources		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Urban Design/Visual Resources		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Natural Resources		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hazardous Materials		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water and Sewer Infrastructure		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Solid Waste and Sanitation Services		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Energy		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transportation		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Air Quality		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Greenhouse Gas Emissions		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Public Health		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Neighborhood Character		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Construction		<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.			
3. Check determination to be issued by the lead agency:			
<input type="checkbox"/> Positive Declaration: If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a <i>Positive Declaration</i> and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).			
<input type="checkbox"/> Conditional Negative Declaration: A <i>Conditional Negative Declaration</i> (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.			
<input checked="" type="checkbox"/> Negative Declaration: If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a <i>Negative Declaration</i> . The <i>Negative Declaration</i> may be prepared as a separate document (see template) or using the embedded Negative Declaration on the next page.			
4. LEAD AGENCY'S CERTIFICATION			
TITLE Director, Environmental Assessment and Review Division		LEAD AGENCY Department of City Planning, acting on behalf of the City Planning Commission	
NAME Stephanie Shellooe		DATE December 30, 2021	
SIGNATURE 			

NEGATIVE DECLARATION**Statement of No Significant Effect**

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, the Department of City Planning acting on behalf of the City Planning Commission assumed the role of lead agency for the environmental review of the proposed actions. Based on a review of information about the project contained in this environmental assessment statement (EAS) and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed actions would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in this EAS, which finds the proposed actions sought before the City Planning Commission would not have a significant adverse impact on the environment. Reasons supporting this determination are noted below.


Land Use, Zoning, and Public Policy

A detailed analysis of land use, zoning, and public policy is included in the EAS. The proposed action is a special permit pursuant to ZR section 74-711 (Landmark Preservation in all Districts) to facilitate a change of use from Use Group (UG) 3 nonprofit art gallery to UG 6 commercial art gallery and UG 2 single-family residence, and to allow for a building enlargement of 5,638 gross square feet (GSF) at 3 East 89th Street, Manhattan Block 1501, Lot 5 (the Development Site) in the Carnegie Hill neighborhood of Manhattan Community District 8. The special permit would apply to the entire zoning lot (Project Area), which includes Lots 4 and 7 in addition to Lot 5, though Lots 4 and 7 would be unaffected by the proposed action. The combined zoning lot is split between R10 and R8B zoning districts and is located within the Expanded Carnegie Hill Historic District as designated by the New York City Landmark Preservation Commission. Land uses within the surrounding area include public facilities and institutions, one- and two-family residences, multi-family residential buildings, and mixed residential and commercial buildings. The proposed actions would facilitate the limited enlargement of an existing 17,643 gsf building on the Development Site, and a change of use from nonprofit art gallery to commercial art gallery, plus one residential dwelling unit. The enlargement would increase the height of the existing building by 14 feet, 11 inches. The proposed actions are anticipated to result in a change in land use on the development site and a one-story enlargement from five floors to six, however, the six-story building would be in context with surrounding mid-block buildings, and the new commercial art gallery use would complement the surrounding art and museum focused institutional uses along Museum Mile. As such, the change in land use and zoning would not constitute a significant adverse impact. In addition, the proposed action would not affect public policy.

Shadows

A detailed shadows analysis determined that the enlargement facilitated by the proposed action would cast incremental shadow on the stained glass windows of the Church of the Heavenly Rest, a sunlight sensitive resource. The shadows would reach portions of the stained glass windows on the southern side of the church on three of the four analysis days; winter, spring, and fall. Incremental shadow would not reach the stained glass windows on the northern or western sides of the church. Incremental shadow would move throughout these analysis days and would cover a maximum of twenty percent of the three southern side windows during a limited duration and would not result in the windows being completely in shadow during any analysis hour. Due to the limited extent of the incremental shadow and the movement of the shadow throughout each analysis day, the shadows would not result in a significant adverse impact to the Church of the Heavenly Rest.

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA). Should you have any questions pertaining to this Negative Declaration, you may contact Rachel Antelmi at rantelmi@planning.nyc.gov.

TITLE Director, Environmental Assessment and Review Division	LEAD AGENCY Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31 st Fl. New York, NY 10271 212.720.3328
NAME Stephanie Shellooe	DATE December 30, 2021
SIGNATURE 	
TITLE Chair, City Planning Commission	
NAME Anita Laremont	DATE January 3, 2022
SIGNATURE	

ENVIRONMENTAL ASSESSMENT STATEMENT

ATTACHMENTS

ATTACHMENT A-1: PROJECT DESCRIPTION

The Applicant, 3 East 89 Holding LLC, seeks a special permit pursuant to Zoning Resolution (ZR) Section 74-711 (Landmark Preservation in all Districts) to facilitate a change of use from a Use Group 3 nonprofit art gallery to a Use Group 6 commercial art gallery and Use Group 2 single-family residence, and to allow for a building enlargement at 3 E. 89th Street (Manhattan Block 1501, Lot 5 [“Development Site”]). The 74-711 special permit would waive use (ZR 22-10), rear yard (ZR 23-47), height regulations (ZR 23-662, ZR 23-692, and ZR 24-592), and minimum distance between buildings (ZR 23-711) that apply to the Development Site.

The 74-711 special permit would cover the entire zoning lot, which also includes Lots 4, 5, and 7 on Block 1501 (“Combined Zoning Lot”) in the Carnegie Hill neighborhood of the Upper East Side of Manhattan Community District 8. The Combined Zoning Lot is 13,336.63 square feet (sf) in size and is occupied by three buildings. The six-story townhouse on Lot 4, the five-story townhouse on Lot 5 (Development Site), and the two-story museum building on Lot 7 are located within the Expanded Carnegie Hill Historic District as designated by the New York City Landmark Preservation Commission (LPC). The Proposed Action would only include the proposed changes to the Development Site, and would not permit any changes at the two remaining buildings on the Combined Zoning Lot. Any future changes to Lot 4 and Lot 7 would require an amendment to the ZR 74-711 approval.

Approval of the Proposed Action would facilitate the conversion of the Development Site from the former home of the National Academy Museum and School to a commercial art gallery with a single-family residence on the upper floors. The Proposed Action would facilitate an enlargement of 5,638 gross square feet (gsf) of additional space at the Development Site to support the gallery and provide space for the residence. The proposed project would be undertaken in two phases. In the first phase, the entire building (floors one through five) would be converted to a Use Group 6 commercial art gallery (“Phase 1”). Phase 1 also includes as-of-right interior renovations and façade restoration that are permitted under the current Certificate of Occupancy that would facilitate the change of use. The renovation and restoration are complete, except for those that would happen during the building expansion. No building expansions are proposed under Phase 1.

The second phase (“Phase 2”) of the proposed project includes:

1. Enlargement of the Use Group 6 commercial art gallery at:
 - the rear of the building above the existing first floor footprint, at floors two and three;
 - the eastern side of the building above the existing first floor footprint, at floors two and three; and
2. Converting floors four and five to a single Use Group 2 residential dwelling unit; and

3. Enlargement of the Use Group 2 residential dwelling unit by:

- enlarging the eastern side of the building above the first floor footprint, at the fourth floor;
- enlarging the fifth floor behind the existing copper-clad mansard; and
- constructing a new sixth floor.

The proposed Phase 2 expansions and new construction would be constructed between approximately July 2022 and May 2023. The Applicant would apply for a Certificate of Occupancy for the commercial art gallery prior to the proposed building expansion undertaken in Phase 2, and would apply for a new Certificate of Occupancy for the single residential unit at the completion of Phase 2. The Applicant plans to operate the commercial art gallery once the special permit is granted at the end of the ULURP process which is expected to be complete by approximately May 2022.

After both phases have been completed, floors one through three will be operated as a commercial art gallery. The gallery would include gallery space, art storage and handling, accessory offices, and possibly an accessory café and gift shop on the first floor. The fourth through sixth floors would be a single residential unit. The proposed project would see floor area on the site increased from 17,643 gross square feet (gsf) presently (13,685 zoning square feet [zsf]) to 23,281 gsf (18,887 zsf). This expansion is an increase of 5,638 gsf and 5,203 zsf. The height of the building would be increased from the existing 78 feet, 11.5 inches, to 93 feet, 10.5 inches to the top of the proposed sixth floor.

The enlargement is required to accommodate relocated and expanded mechanical rooms, accessory administrative offices, a new elevator, and added space for the art gallery, storage, and other essential functions, along with a single-family residential dwelling unit. Historically, the mechanical equipment for 3 E. 89th Street and 5-7 E. 89th Street was contained in a shared system in a noise enclosure in the rear yard of 5-7 E. 89th Street; however, the equipment is no longer in use by either building and there are no plans by 5-7 E. 89th Street to re-use the system. As part of the proposed project, the existing system will be relocated to a second floor mechanical mezzanine inside of 3 E. 89th Street for sole use by 3 E. 89th Street. The mezzanine would be designed for the mechanical equipment. The equipment would be enclosed and vented. There are no known plans for a new mechanical system for 5-7 E. 89th Street but any new system would have to meet all building and noise code requirements. The mechanical equipment for 1083 Fifth Avenue is located on the roof of the building and complies with NYC building and noise codes for sound levels as required.

As required by the 74-711 special permit and Landmark Preservation Commission Certificate of Appropriateness, the building would undergo an extensive restoration process, including façade repair and restoration and an ongoing maintenance and reporting plan. The LPC issued a Status Update Letter dated July 10, 2020, which states that the Commission voted on June 30, 2020, to approve the Applicant's proposal to construct rooftop and rear yard additions, install a marquee and replace windows and doors at the Development Site (LPC Project No: LPC-20-1118, see Appendix A).

The Proposed Action is a discretionary action and is therefore subject to environmental review pursuant to the 2020 City Environmental Quality Review (CEQR) Technical Manual. This attachment introduces the Proposed Action and sets the context in which to assess impacts, providing a discussion of existing conditions relating to the Proposed Action; a description of the proposed development; the background of the Proposed Action; a statement of the purpose and need for the Proposed Action; and a discussion of the approvals required. This EAS studies the potential for individual and cumulative environmental impacts related to the Proposed Action occurring in a study area of approximately 400 feet around the Combined Zoning Lot. This study area is generally bound by E. 91st Street to the north, parcels fronting the east side of Madison Avenue to the east, parcels fronting the south side of E. 88th Street to the south, and Central Park to the west.

1.1 Project Location

The Development Site is located at 3 E. 89th Street (Block 1501, Lot 5) in the Carnegie Hill neighborhood on the Upper East Side of Manhattan (Community Board 8). The Development Site is occupied by a historic five-story townhouse-style building that is located on the same zoning lot as two adjacent buildings: 5-7 E. 89th Street (Block 1501, Lot 7) and 1083 Fifth Avenue (Block 1501, Lot 4). The Development Site has a lot area of 4,028 sf, 5-7 E. 89th Street has a lot area of 6,515 sf, and 1083 Fifth Avenue has a lot area of 2,822 sf. The Applicant only owns the Development Site, and has no ownership or control over the other two buildings on the development site. The 74-711 special permit would apply to the Combined Zoning Lot which, until 2018, was the home of the National Academy Museum and School, a nonprofit art gallery. The Development Site and 5-7 E. 89th Street are currently operating as nonprofit art galleries, and 1083 Fifth Avenue is a single-family private residence. The surrounding Carnegie Hill neighborhood is characterized by a mix of 4 to 38-story residential buildings and institutional uses like schools, hospitals and medical facilities, museums and cultural institutions, and houses of worship.

The Combined Zoning Lot is split between R10 and R8B zoning districts, and the line between the districts runs through the middle of the Development Site. The R10 district covers the western portion of the Combined Zoning Lot, encompassing 1083 Fifth Avenue (Block 1501, Lot 4), and the western half of the Development Site. The R10 District is also paired with a Park Improvement Special District. The R8B district covers the eastern half of the Development Site and 5-7 E. 89th Street (Block 1501 Lot 7). In the project study area, the R10 zoning district generally covers lots that front Fifth Avenue and the R8B district covers the midblock lots. An R10 district is also mapped along Madison Avenue east of the Development Site where it is paired with a C1-5 commercial overlay. Other zoning districts in the area include a C5-1 on Madison Avenue south of 87th Street.

Figures 1, 2, 3, and 4 present a project location map, tax map, zoning map, and land use map. Figures 5, 6, and 7 present a photo key map and photographs of the Development Site. Figures 8 and 9 present photos of the other buildings on the Combined Zoning Lot and the surrounding neighborhood.

Land uses within the 400-foot study area around the Combined Zoning Lot includes public facilities and institutions, one- and two-family homes, multi-family residential buildings, and mixed-use residential and

commercial buildings. Commercial and office buildings are limited. The northern portion of the study area is anchored by the Cooper Hewitt Smithsonian Design Museum and the Church of the Heavenly Rest (located immediately north of the Development Site) and other institutional uses which range from four to ten stories in height. Residential and mixed-use residential and commercial buildings in the northern portion of the study area are up to 14 stories tall. In the central portion of the study area between E. 90th Street and E 89th Street, residential and mixed-use buildings range from 12 to 38 stories along Fifth Avenue and Madison Avenue. Institutional uses range from two to six stories, and there is one six-story commercial building. Buildings south of E. 89th Street follow a similar pattern with large residential and mixed-use residential and commercial buildings located along the Avenues (between 13 and 20 stories), and shorter residential buildings are located mid-block (5 to 13 stories). The Guggenheim Museum is located along Fifth Avenue between E. 89th Street and E. 88th Street, and across E. 89th Street from the Development Site.

The study area is served by the 4, 5, and 6 trains on the Lexington Avenue Subway Line via the 86th Street Station, which is roughly 0.4 miles from the Development Site. The M1, M2, M3, M4 New York City Transit bus routes run along Fifth Avenue and Madison Avenue and the M86-SBS runs along 86th Street south of the study area.

1.2 Required Approvals and Proposed Actions

The 74-711 special permit is a discretionary action, which is subject to the City Environmental Quality Review (CEQR) as an Unlisted Action. Through CEQR, agencies review discretionary actions for the purpose of identifying the effects those actions may have on the environment. The proposed 74-711 special permit is also subject to public comment under the Uniform Land Use Review Procedure (ULURP). The ULURP process was established to ensure adequate opportunity for public review of Proposed Actions. ULURP dictates that every project be presented at four levels: the Community Board; the Borough President; the City Planning Commission; and, in some cases the City Council. The procedures mandate time limits for each state to ensure a maximum review period of seven months.

The Applicant is requesting a 74-711 special permit to modify the use and bulk regulations for the Combined Zoning Lot to facilitate a change of use and minor expansion at the Development Site. The Proposed Action would allow the existing Use Group 3 nonprofit art gallery to be changed to a Use Group 6 commercial art gallery and a Use Group 2 single-family residential unit; the Use Group 6 commercial art gallery is not allowed in the R10 and R8B zoning district (use waiver, ZR 22-10). The Proposed Action would also allow for the enlargement of the fifth floor, the construction of a new sixth floor, and a multi-story horizontal enlargement of the existing building above the existing first floor (rear yard, ZR 23-47; height regulations, ZR 23-662, ZR 23-692, ZR 24-592; minimum distance between buildings, ZR 23-711). The proposed development on the Development Site would be in accordance with an approved site plan and would not affect the two other properties on the Combined Zoning Lot.

The Development Site is located within the Expanded Carnegie Hill Historic District, and therefore the proposed project requires approval from the New York City Landmarks Preservation Commission (LPC). The LPC issued a Status Update Letter dated July 10, 2020, which states that the Commission voted on June 30, 2020, to approve the Applicant's proposal to construct rooftop and rear yard additions, install a marquee and replace windows and doors at the Development Site (LPC Project No: LPC-20-1118, see Appendix A).

The 74-711 special permit that the Applicant is seeking would apply to the Combined Zoning Lot, however, the only site that would be developed pursuant to the 74-711 special permit is the Development Site. Any development under the special permit is pursuant to an approved site plan, and the Applicant's site plan does not include any changes to 1083 Fifth Avenue (Lot 4) or 5-7 E. 89th Street (Lot 7). The existing condition on Lot 4 is a single-family residence, and Lot 7 is a nonprofit art gallery or museum (Use Group 3). Under the Proposed Action, there would be no changes to the existing conditions of Lot 4 and Lot 7.

1.3 Purpose and Need for Proposed Actions

The three buildings that are located within the Combined Zoning Lot were once connected and used together as the National Academy Museum and School. Within the footprint of the three buildings, the National Academy Museum and School located administrative offices in 1083 Fifth Avenue, gallery space at the Development Site, and mechanical equipment and bathrooms at 5-7 East 89th Street. The three buildings and lots were sold to three different parties in 2018.

The Proposed Action would allow the historic building at the Development Site to be utilized as a commercial art gallery and residence and would allow relocated and expanded mechanical rooms, accessory administrative offices, and added space for art storage and other essential functions, as well as provision of additional code compliant bathroom space and a new elevator. Because the gallery rooms at the Development Site are historic spaces, altering the interior of the Development Site to carve out new mechanical, office, art storage, and bathroom space is less than ideal. Instead, the Applicant seeks land use approvals to construct an enlargement within the footprint of the existing first floor of the building. The fourth floor, enlarged fifth floor and new sixth floor would contain a new Use Group 2 single-family

residence. The Proposed Action would facilitate an additional 5,638 gsf (5,202 sf of zoning floor area) at the Development Site.

1.4 Description of the Proposed Development

The Proposed Action would facilitate the following two-phase project. In Phase 1, the Applicant would convert floors one through five of the existing building to a Use Group 6 commercial art gallery. Phase 1 also includes as-of-right interior renovations and façade restoration that are permitted under the current Certificate of Occupancy that would facilitate the change of use. The renovation and restoration are complete, except for those that would happen during the building expansion. No building expansions are proposed under Phase 1.

In Phase 2, the Applicant proposes to enlarge the Use Group 6 commercial art gallery at the rear and eastern side of the building above the existing first floor for floors two and three. Additionally, the Applicant proposes to convert floors four and five to a Use Group 2 single-family residential unit, and enlarge the unit by expanding the eastern side of the fourth floor above the first floor footprint, and enlarging the fifth floor behind the existing copper-clad mansard. Finally, the Applicant proposes to construct a new sixth floor. The fourth, fifth, and sixth floors would be used together as a single Use Group 2 residential unit.

The building would feature 15,712 gsf of combined gallery space on the first, second, and third floors. The commercial art gallery would include gallery space, art storage and handling, accessory offices, and an accessory café with a gift shop. The fourth, fifth, and sixth floors together would provide 7,569 gsf of space for a single residential unit. The building would be expanded from 17,643 gsf presently to 23,281 gsf, and building height would be expanded from 78 feet, 11.5 inches to 93 feet, 10.5 inches. The building expansion represents an increase of 5,638 gsf and a height of 14 feet, 11 inches.

1.5 Future No-Action Scenario (No-Action Condition)

According to the *CEQR Technical Manual*, the future without the Proposed Action, referred to as the Future No-Action condition, provides a baseline condition against which the incremental changes generated by the Proposed Action can be evaluated.

Development Site – 3 E. 89th Street (Block 1501, Lot 5)

If the Proposed Action was not approved and as a result, the proposed project was not subsequently constructed, the Development Site would remain a 17,643 gsf nonprofit art gallery. Phase 1 of the proposed project includes as-of-right interior renovation and façade restoration. The renovation and restoration are complete, except for those that would happen during the building expansion; it would therefore occur in the No-Action Condition. However, the use change proposed for Phase 1 would not occur, nor would any bulk changes occur.

1083 Fifth Avenue (Block 1501, Lot 4)

The building at 1083 Fifth Avenue is currently undergoing construction pursuant to New York City Department of Buildings (DOB) Job No. 123539652 permit issued on November 26, 2019 for the enlargement and conversion from a Use Group 3 nonprofit gallery to a Use Group 2 single family dwelling unit. This analysis assumes that 1083 Fifth Avenue would remain a Use Group 2 single family dwelling unit in the future.

5-7 E. 89th Street (Block 1501, Lot 7)

The building at 5-7 E. 89th Street is currently used as a Use Group 3 nonprofit museum and it would remain a Use Group 3 nonprofit museum in the future.

1.6 Future With-Action Scenario (With-Action Condition)

Development Site – 3 E. 89th Street (Block 1501, Lot 5)

The Proposed Action would allow a Use Group 6 commercial art gallery on floors one through three of the building. The first floor would contain gallery space, art storage, and an accessory café and gift shop. The second and third floors would contain gallery and support space and accessory offices. The fourth floor, enlarged fifth floor, and new sixth-floor would contain a single dwelling unit in a 7,569 gsf Use Group 2 residential apartment. In the With-Action Condition, the rear of the existing building would be expanded at floors two and three to match the footprint of the first floor. Floors two through four would be expanded into the eastern side yard to match the footprint of the first floor. The fifth floor would be expanded behind the existing copper-clad mansard, and a new sixth floor would be constructed. The proposed project would see floor area on the site increased from 17,643 gsf presently to 23,281 gsf, an expansion is of 5,638 gsf. Once completed, the proposed building would contain 15,712 gsf of Use Group 6 commercial use, and 7,569 gsf of Use Group 2 residential use. The building would be expanded to 93 feet 10.5 inches tall.

The Proposed Action would not include any changes or modifications to the other two buildings on the Combined Zoning Lot. 5-7 E. 89th Street (Lot 7) would be utilized as a nonprofit art gallery/museum (Use Group 3) and 1083 Fifth Avenue (Lot 4) would continue to be used as a single-family residence. The Proposed Action aims to facilitate minor expansions to the existing historic building to support its use as an independent commercial art gallery and single-family residence. The expanded area would include accessory offices, bathrooms, mechanical upgrades, and residential space. The building expansions would also allow for the installation of a modern passenger/service elevator, and renovations to existing bathrooms so they can meet accessibility standards.

1083 Fifth Avenue (Block 1501, Lot 4)

The building at 1083 Fifth Avenue is currently undergoing construction for the enlargement and conversion from a Use Group 3 nonprofit gallery to a Use Group 2 single family dwelling unit. This analysis assumes that 1083 Fifth Avenue would remain a Use Group 2 single family dwelling unit in the future.

5-7 E. 89th Street (Block 1501, Lot 7)

The building at 5-7 E. 89th Street is currently used as a Use Group 3 nonprofit museum and it would remain a Use Group 3 nonprofit museum in the future.

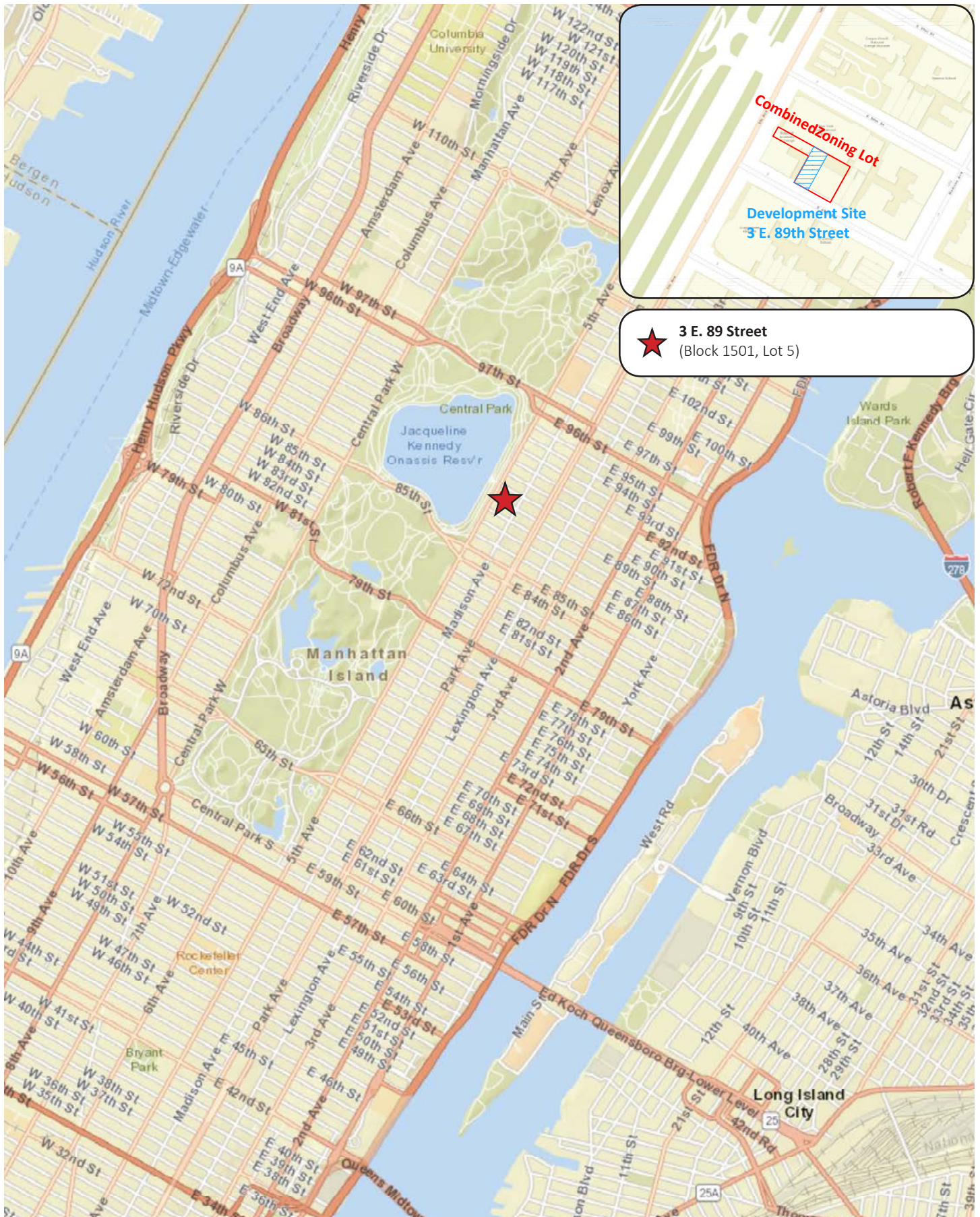
1.7 Incremental Development

The future without the Proposed Action (No-Action condition) will be the baseline condition for conducting the impact analysis in the Environmental Assessment Statement (EAS). According to the *2020 CEQR Technical Manual*, the future without the Proposed Action or No-Action condition, provides a baseline condition against which the incremental changes generated by the Proposed Action can be evaluated. As provided in Table 1.4-1 below, the With-Action condition would result in an incremental increase of 5,638 gsf of total development at the Development Site as compared to the No-Action condition. The other two tax lots located within the Combined Zoning Lot would not be affected by the 74-711 special permit, and are therefore not considered in Table 1.4-1.

Table 1.4-1: Incremental Increase in Proposed Development on Development Site (Proposed Action vs. No Action Condition)

	Total Development (gsf)	UG 2 - Residential Units	UG 2 - Residential (gsf)	UG 3 - Nonprofit Gallery Space (gsf)	UG 6 – Commercial Gallery Space (gsf)
No-Action Condition	17,643	0		17,643	0
With-Action Condition	23,281	1	7,569	0	15,712
Incremental Increase	5,638	1	7,569 gsf	(-17,643) gsf	15,712 gsf

EAS PART I, Section 8. Site Description - Graphics



3 E. 89 STREET



FIGURE 1: LOCATION MAP

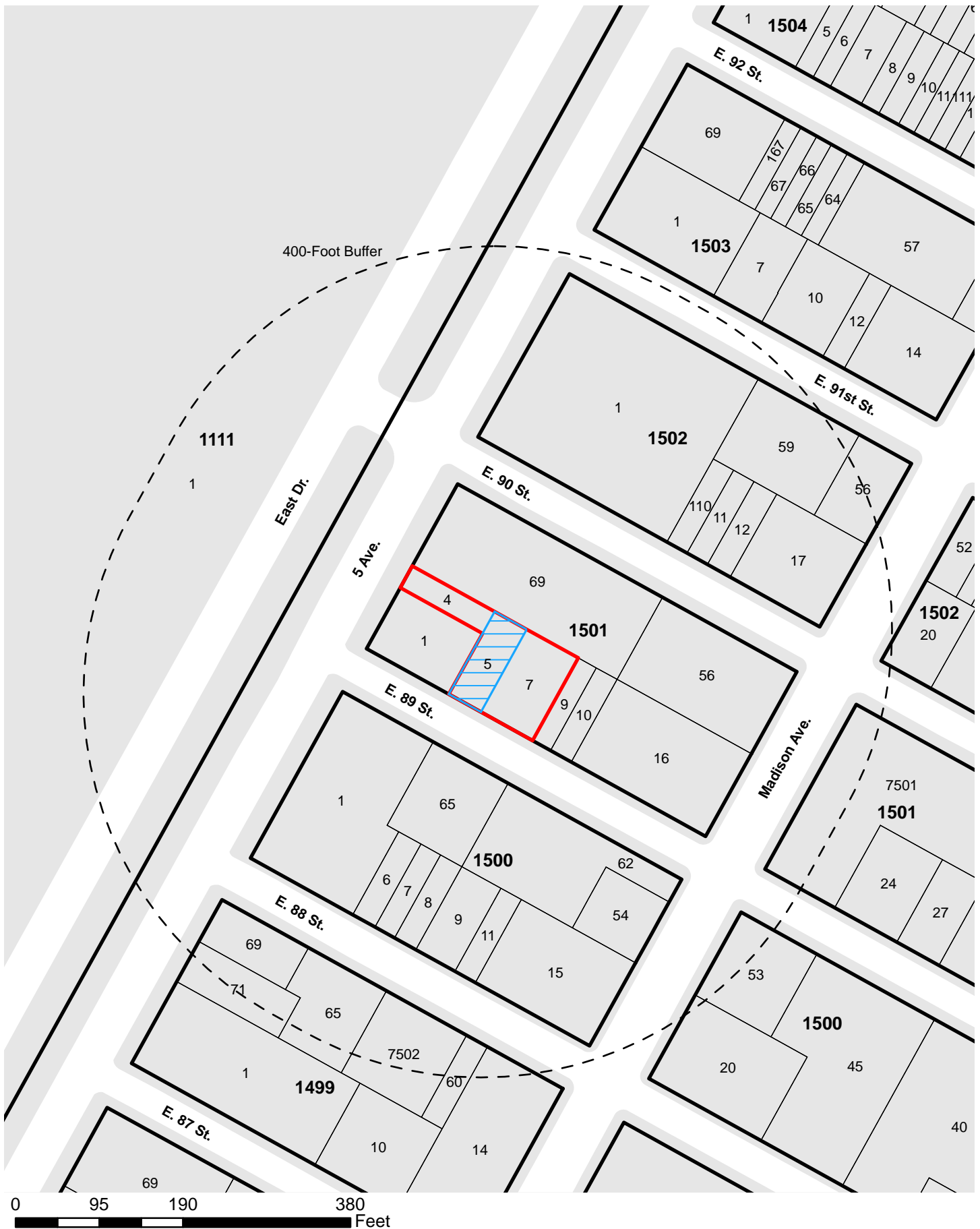
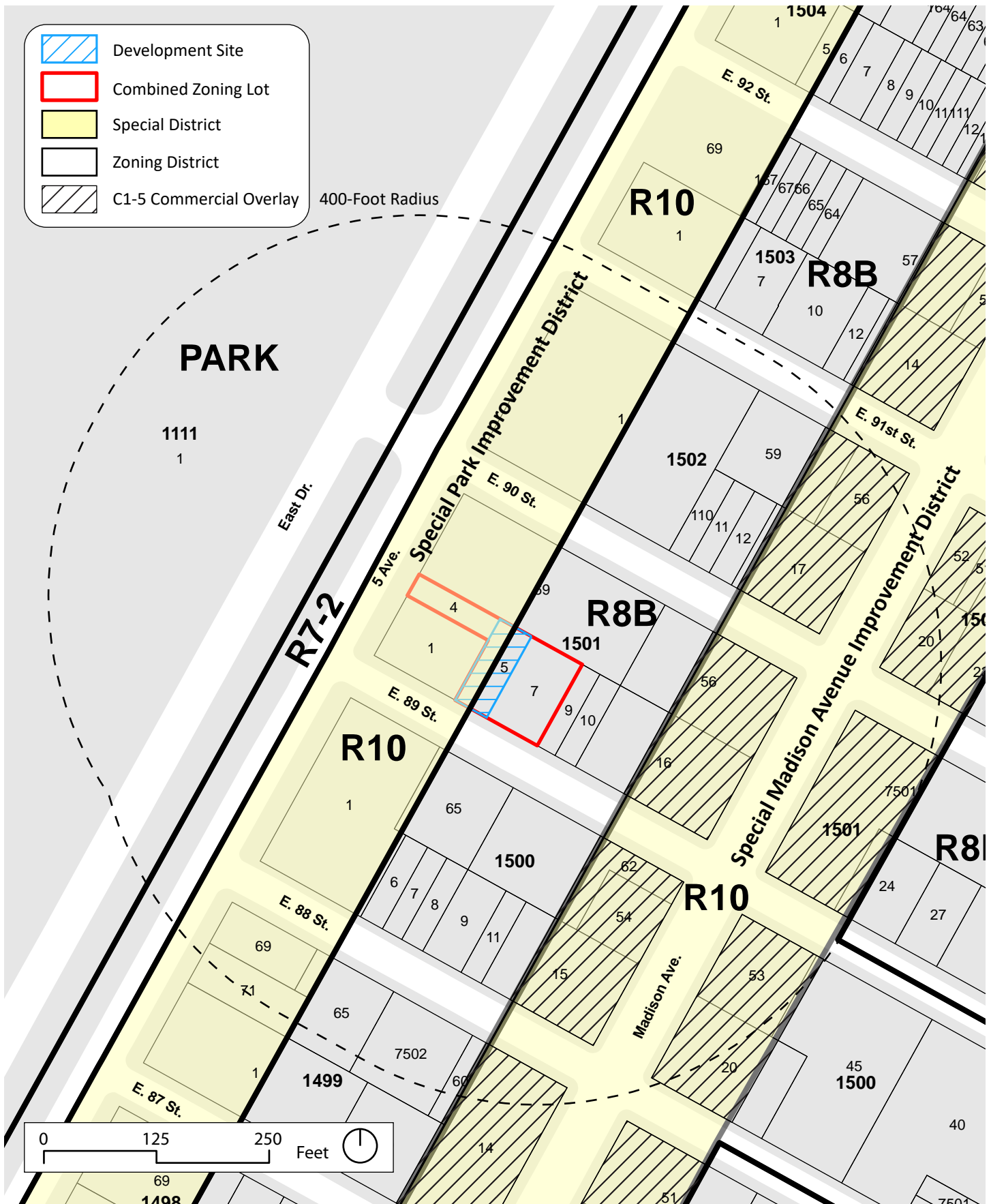


FIGURE 2: TAX MAP



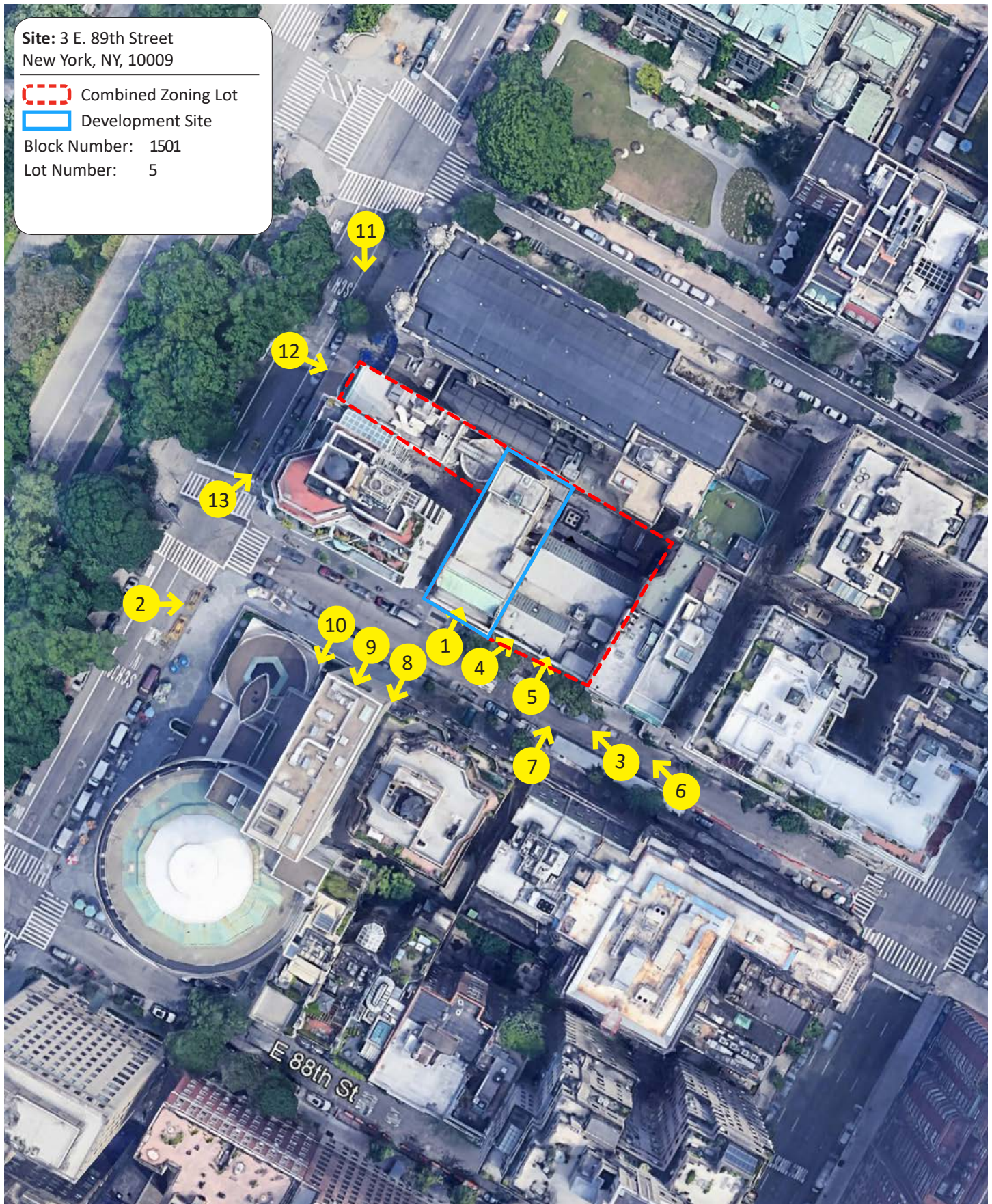
3 E. 89 STREET

FIGURE 3: ZONING MAP



3 E. 89 STREET

FIGURE 4: LAND USE MAP



3 E. 89 STREET



ENVIRONMENTAL ASSESSMENT STATEMENT

FIGURE 5: PHOTO KEY MAP

SOURCE: GOOGLE EARTH, 2019

BEJ Planning



Photo 1: View of Development Site looking northeast from E. 89th Street.



Photo 2: View of the Development Site looking east from Fifth Avenue in front of the Guggenheim Museum.

3 E. 89 STREET

ENVIRONMENTAL ASSESSMENT STATEMENT

FIGURE 6: SITE PHOTOS

SOURCE: BFJ PLANNING, 2019

BFJ Planning



Photo 3: View of Development Site looking northwest from E. 89th Street.

3 E. 89 STREET

ENVIRONMENTAL ASSESSMENT STATEMENT

FIGURE 7: SITE PHOTOS

SOURCE: BFJ PLANNING, 2019

BFJ Planning



Photo 4: View of 3 E. 89th Street and 5-7 E. 89th Street.



Photo 5: View of 5-7 E. 89th Street.

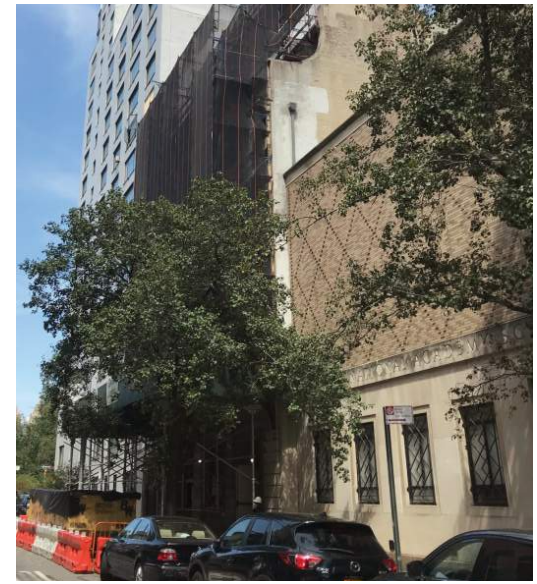


Photo 6: View of 1080 Fifth Avenue, 3, and 5-7 E. 89th Street.



Photo 7: Panoramic view of the north side of E. 89th Street.

3 E. 89 STREET

FIGURE 8: OFF-SITE PHOTOS



Photo 8: View of the E. 89th Street looking south from the Development Site.



Photo 9: View of Guggenheim Museum service looking southwest from the Development Site.



Photo 10: View of the Guggenheim Museum looking southwest from the Development Site.



Photo 11: View of the Church of Heavenly Rest, 1083 and 1080 Fifth Avenue.



Photo 12: View of 1083 Fifth Avenue.

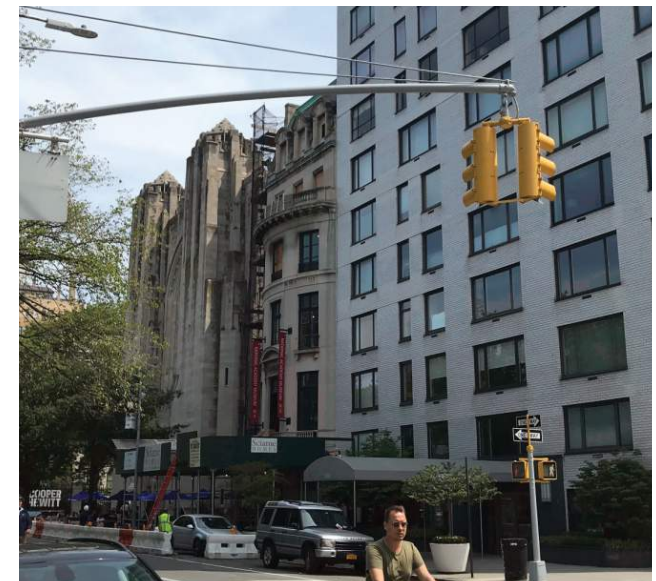
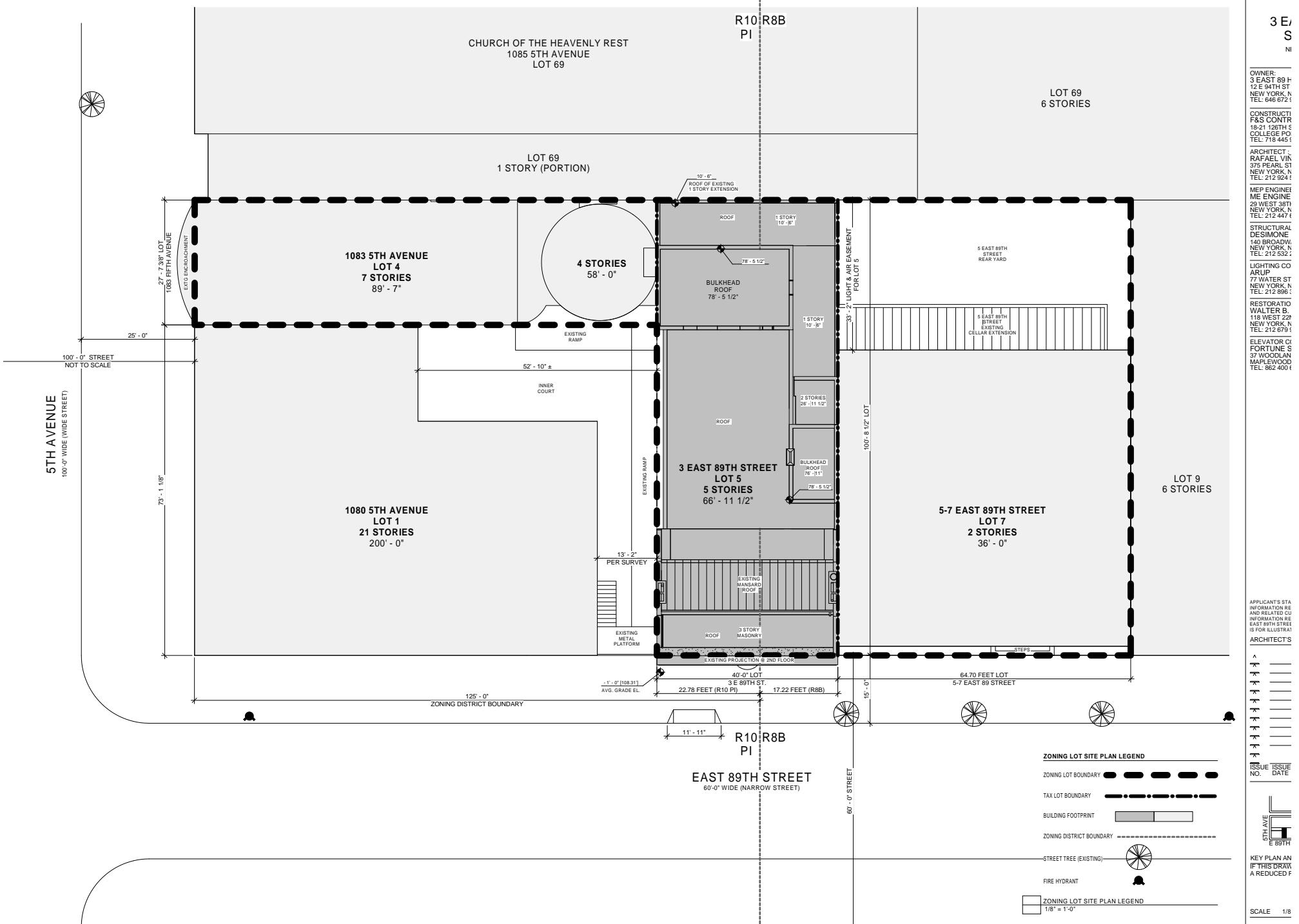


Photo 13: View of 1080 and 1083 Fifth Avenue and the Church of the Heavenly Rest.

3 E. 89 STREET

FIGURE 9: OFF-SITE PHOTOS



3 E. 89 STREET

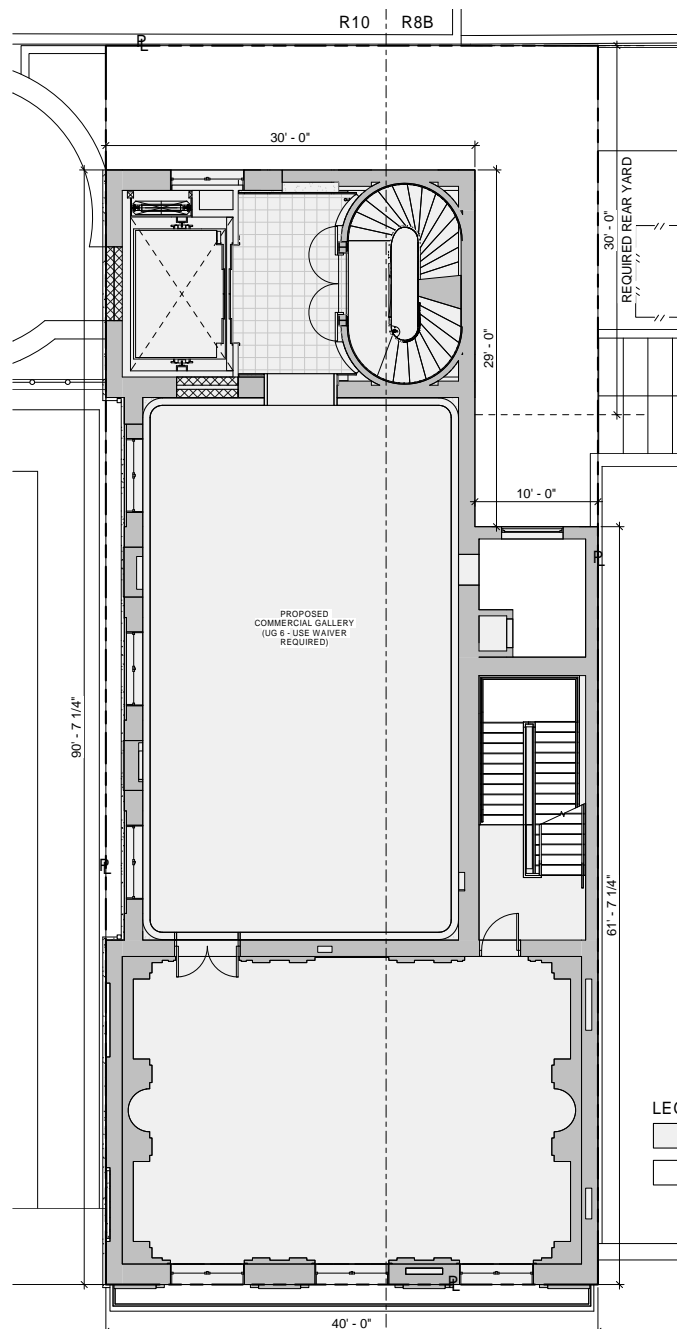
ENVIRONMENTAL ASSESSMENT STATEMENT

FIGURE 10: PROPOSED PHASE 1 SITE PLAN

SOURCE: RAFAEL VIÑOLY ARCHITECTS, 2020

BFJ Planning

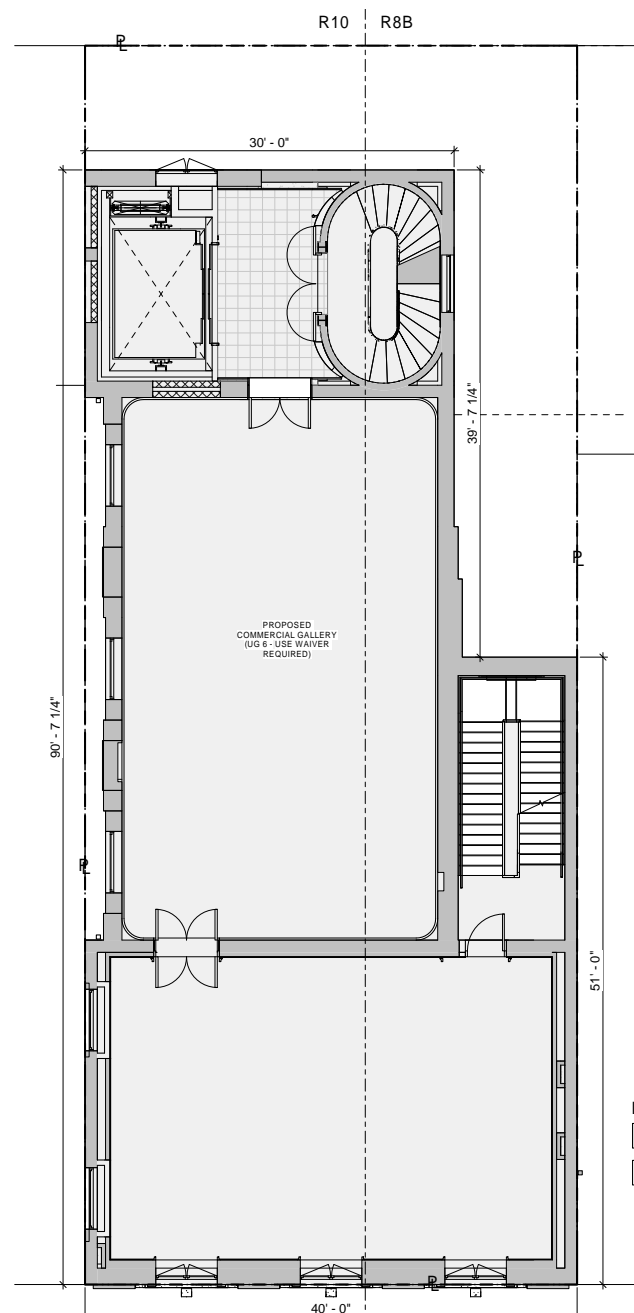
FIGURE 12: PHASE 1 - CELLAR AND 1ST FLOOR PLAN



LEGEND

- PROPOSED USE WAIVER
- AS OF RIGHT - NO WAIVER REQUIRED

1 2ND FLOOR - PHASE 1
2-111 1/4" = 1'-0"



LEGEND

- PROPOSED USE WAIVER
- AS OF RIGHT - NO WAIVER REQUIRED

2 3RD FLOOR - PHASE 1
2-111 1/4" = 1'-0"

3 E. 89 STREET
NEW YORK, NY

OWNER:
3 EAST 89 HOLDING LLC
12 E 94TH ST
NEW YORK, NY 10128
TEL: 646 672 5212

CONSTRUCTION MANAGER:
F&S CONTRACTING
18-21 126TH STREET
COLLEGE POINT, NY 11356
TEL: 718 445 9444

ARCHITECT:
RAFAEL VIÑOLY ARCHITECTS
375 PEARL STREET, 31ST FLOOR
NEW YORK, NY 10038
TEL: 212 924 5060

MEP ENGINEER:
ME ENGINEERS
25 WEST 38TH ST, 6TH FLOOR
NEW YORK, NY 10018
TEL: 212 447 6770

STRUCTURAL ENGINEER:
DESIMONE ENGINEERS
140 BROADWAY, 25TH FLOOR
NEW YORK, NY 10005
TEL: 212 532 2211







LIGHTING CONSULTANT:
ARUP
77 WATER STREET
NEW YORK, NY 10005
TEL: 212 896 3000

RESTORATION CONSULTANT:
WALTER B. MELVIN ARCHITECT
118 WEST 22ND STREET
NEW YORK, NY 10011
TEL: 212 679 9380

ELEVATOR CONSULTANT:
FORTUNE SHEPLER SALING
37 WOODLAND ROAD
MAPLEWOOD, NJ 07040
TEL: 962 400 0382

APPLICANT'S STAMP AND SEAL CORRESPONDING TO THE DEVELOPER'S INFORMATION REGARDING THE DEVELOPER AND RELATED CODES AND INFORMATION REGARDING THE 188 FIFTH, EAST 89TH STREET AND SURROUNDING PLOT IS FOR ILLUSTRATIVE PURPOSES ONLY.

ARCHITECT'S SEAL

A		
		
		
		
		
		
		
		
		
		

ISSUE NO. DATE DESCRIPTION

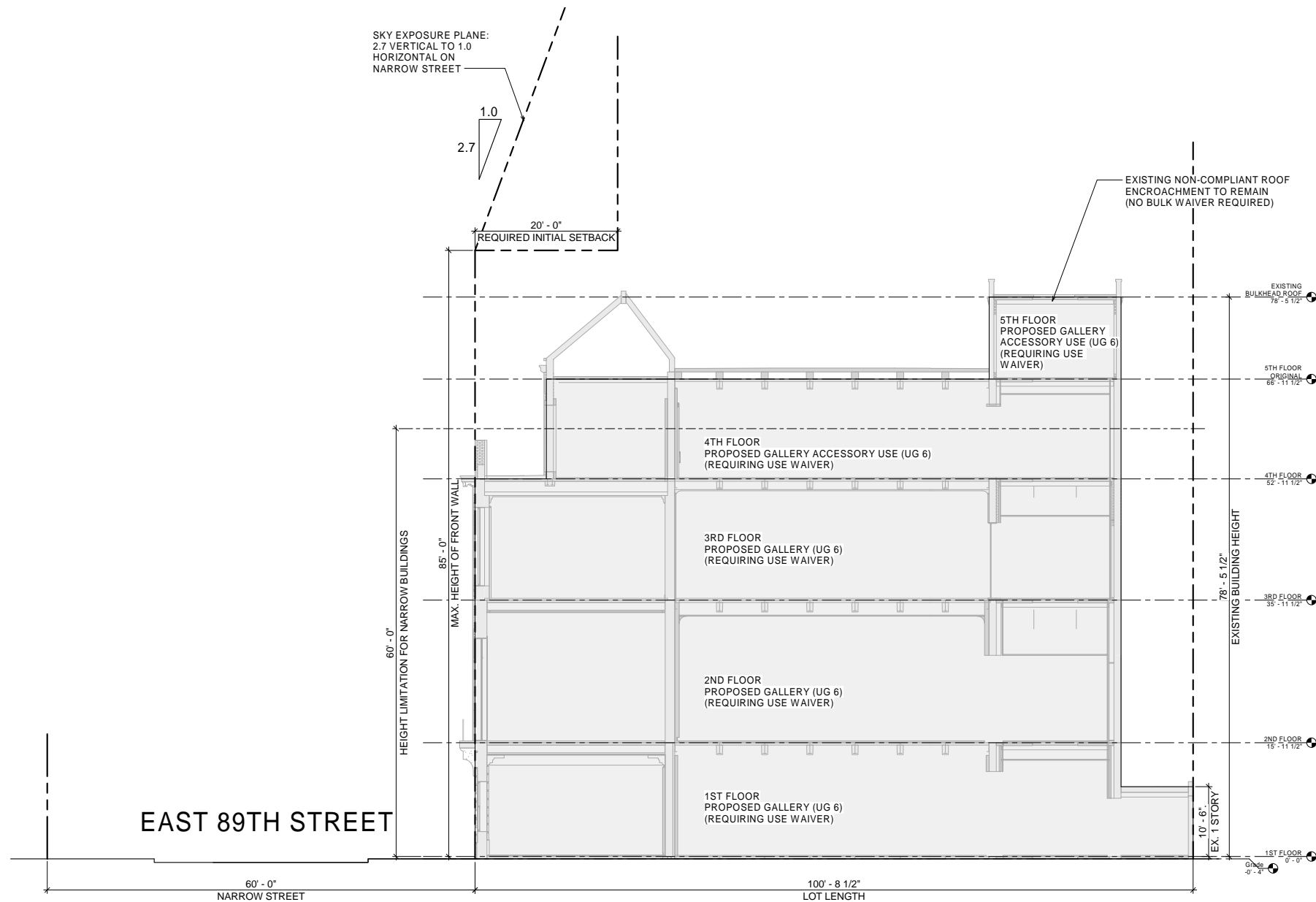


KEY PLAN AND NORTH SIGN
IF THIS DRAWING IS NOT 42" X 30"
A REDUCED PRINT

SCALE 1/4" = 1'-0"

PHASE 1
PROPOSED 2ND & 3RD FLOOR PLAN

SHEET TITLE:
Z-111.00
SHEET NUMBER:



PROPOSED ZONING SECTION (R10) PHASE 1
3/16" = 1'-0"

OWNER:
3 EAST 89 HOLDING LLC
12 E 94TH ST
NEW YORK, NY 10128
TEL: 646 672 9212

CONSTRUCTION MANAGER:
F&S CONTRACTING
18-21 126TH STREET
COLLEGE POINT, NY 11356
TEL: 718 445 9444

ARCHITECT:
RAFAEL VIÑOLY ARCHITECTS
375 PEARL STREET, 31ST FLOOR
NEW YORK, NY 10038
TEL: 212 924 5060

MEP ENGINEER:
ME ENGINEERS
29 WEST 38TH ST, 5TH FLOOR
NEW YORK, NY 10018
TEL: 212 447 6770

STRUCTURAL ENGINEER:
DESIMONE ENGINEERS
140 BROADWAY, 25TH FLOOR
NEW YORK, NY 10005
TEL: 212 532 2211

LIGHTING CONSULTANT:
ARUP
77 WATER STREET
NEW YORK, NY 10005
TEL: 212 896 3000

RESTORATION CONSULTANT:
WALTER S. MELVIN ARCHITECT
118 WEST 22ND STREET
NEW YORK, NY 10011
TEL: 212 678 8363

ELEVATOR CONSULTANT:
FORTUNE SHEPLER SALING
37 WOODLAND ROAD
MAPLEWOOD, NJ 07040
TEL: 862 400 6382

APPLICANT'S STAMP AND SEAL CORRESPOND
TO THE INFORMATION REGARDING THE DEVELOPER
AND RELATED CURB CUT.
INFORMATION REGARDING THE 1983 FIFTH A
EAST 89TH STREET AND SURROUNDING PRO
IS FOR ILLUSTRATIVE PURPOSES ONLY.

ARCHITECT'S SEAL

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
29		
30		
31		
32		
33		
34		
35		
36		
37		
38		
39		
40		
41		
42		
43		
44		
45		
46		
47		
48		
49		
50		
51		
52		
53		
54		
55		
56		
57		
58		
59		
60		
61		
62		
63		
64		
65		
66		
67		
68		
69		
70		
71		
72		
73		
74		
75		
76		
77		
78		
79		
80		
81		
82		
83		
84		
85		
86		
87		
88		
89		
90		
91		
92		
93		
94		
95		
96		
97		
98		
99		
100		

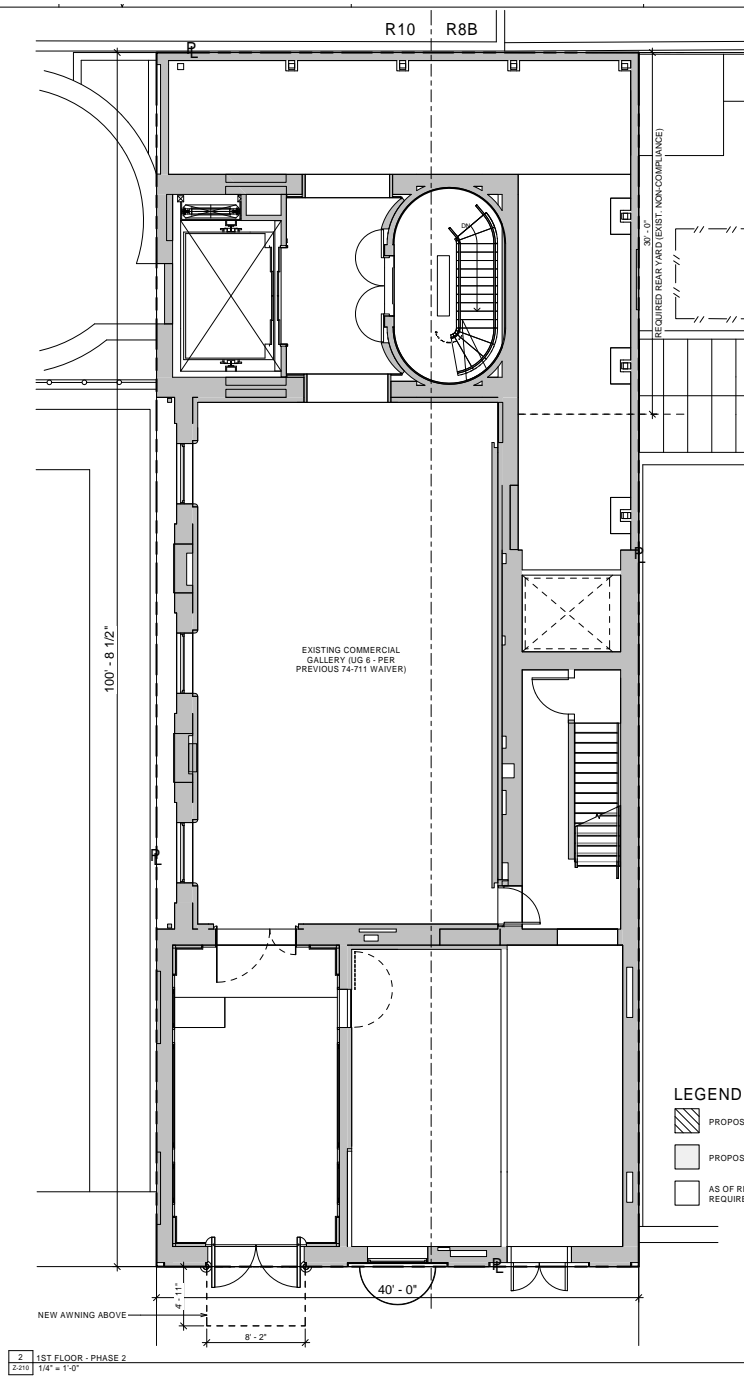
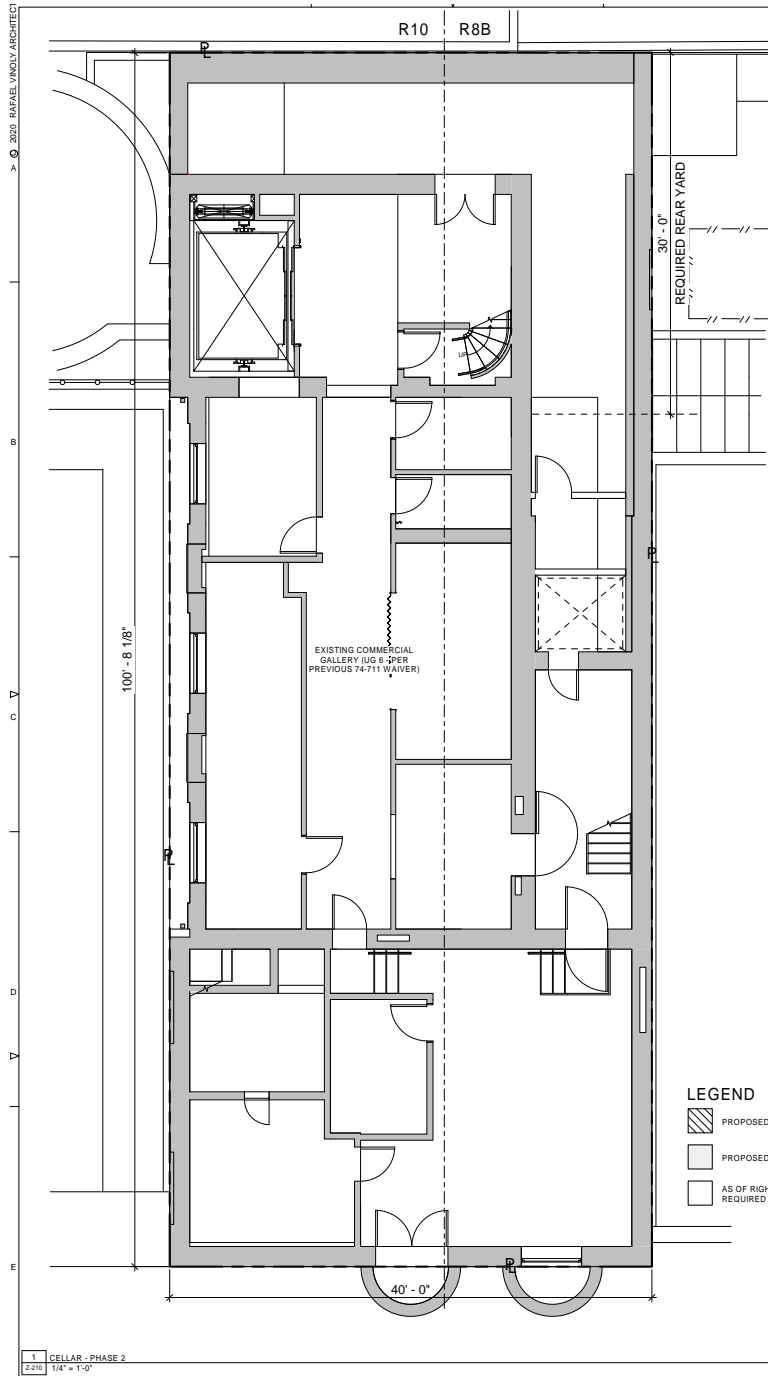


KEY PLAN AND NORTH SIGN
IF THIS DRAWING IS NOT 12" X 30"
A REDUCED PRINT

SCALE 3/16" = 1'-0"

PHASE 1
PROPOSED
BUILDING SECTIC
(R10)

SHEET TITLE:
7-120-00



3 EAST 89TH STREET NEW YORK, NY

OWNER:
3 EAST 89 HOLDING LLC
12 E 94TH ST
NEW YORK, NY 10128
TEL: 646 672 5212

CONSTRUCTION MANAGER:
F&S CONTRACTING
16-21 120TH STREET
COLLEGE POINT, NY 11356
TEL: 718 465 6444

ARCHITECT:
RAFAEL VIÑOLY ARCHITECTS
375 PEARL STREET, 21ST FLOOR
NEW YORK, NY 10038
TEL: 212 604 5900

MEP ENGINEER:
ME ENGINEERS
28 WEST 38TH ST, 5TH FLOOR
NEW YORK, NY 10018
TEL: 212 447 6770

STRUCTURAL ENGINEER:
DESMOND ENGINEERS
140 BROADWAY, 25TH FLOOR
NEW YORK, NY 10005
TEL: 212 532 2211

LIGHTING CONSULTANT:
ARUP
77 WATER STREET
NEW YORK, NY 10005
TEL: 212 896 3000

RESTORATION CONSULTANT:
WALTER B. MELVIN ARCHITECT
118 WEST 22ND STREET
NEW YORK, NY 10011
TEL: 212 679 5930

ELEVATOR CONSULTANT:
FORTUNE SHEPLER SALING
37 WOODLAND ROAD
MAPLEWOOD, NJ 07040
TEL: 908 400 6582

APPLICANT'S STAMP AND SEAL CORRESPOND TO THE INFORMATION REGARDING THE SE (SEAL) AND RELATED CURB CUTS. INFORMATION REGARDING THE 1985 FIFTH A1 EAST 89TH STREET AND SURROUNDING PHOTOMOUNTS FOR ILLUSTRATIVE PURPOSES ONLY.

ARCHITECT'S SEAL

APPLICANT'S STAMP AND SEAL CORRESPOND TO THE INFORMATION REGARDING THE SE (SEAL) AND RELATED CURB CUTS. INFORMATION REGARDING THE 1985 FIFTH A1 EAST 89TH STREET AND SURROUNDING PHOTOMOUNTS FOR ILLUSTRATIVE PURPOSES ONLY.

ISSUE NO. DATE DESCRIPTION

5TH AVE
E 89TH STREET
MADISON AVE

KEY PLAN AND NORTH SIGN
IF THIS DRAWING IS NOT 42" X 30" A REDUCED PRINT

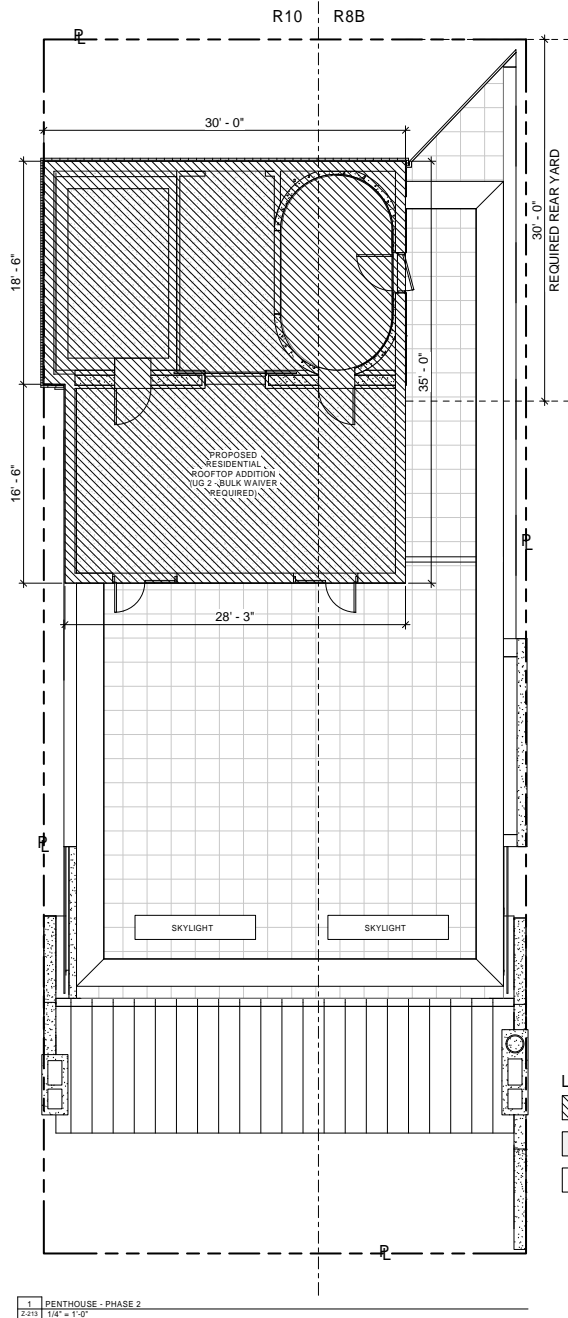
SCALE 1/4" = 1'-0"

PHASE 2
PROPOSED CELLAR
& 1ST FLOOR PLAN

SHEET TITLE:
Z-210.00

SHEET NUMBER:

3 E. 89 STREET



- LEGEND**
- PROPOSED BULK WAIVER
 - PROPOSED USE WAIVER
 - AS OF RIGHT - NO WAIVER REQUIRED

3 EAST 89TH STREET NEW YORK, NY

OWNER:
3 EAST 89 HOLDING LLC
12 E 94TH ST
NEW YORK, NY 10128
TEL: 646 672 9212

CONSTRUCTION MANAGER:
F&S CONTRACTING
18-21 120TH STREET
COLLEGE POINT, NY 11356
TEL: 718 465 0444

ARCHITECT:
RAFAEL VIÑOLY ARCHITECTS
375 PEARL STREET, 21ST FLOOR
NEW YORK, NY 10038
TEL: 212 604 5960

MEP ENGINEER:
ME ENGINEERS
28 WEST 38TH ST, 5TH FLOOR
NEW YORK, NY 10018
TEL: 212 447 6770

STRUCTURAL ENGINEER:
DESMONE ENGINEERS
140 BROADWAY, 25TH FLOOR
NEW YORK, NY 10005
TEL: 212 532 2211

LIGHTING CONSULTANT:
ARUP
77 WATER STREET
NEW YORK, NY 10005
TEL: 212 896 3000

RESTORATION CONSULTANT:
WALTER B. MELVIN ARCHITECT
118 WEST 22ND STREET
NEW YORK, NY 10011
TEL: 212 679 5930

ELEVATOR CONSULTANT:
FORTUNE SHEPLER SALING
37 WOODLAND ROAD
MAPLEWOOD, NJ 07040
TEL: 908 400 0582

APPLICANT'S STAMP AND SEAL CORRESPOND TO THE INFORMATION REGARDING THE DEVELOPER AND RELATED CLUB CUTS. INFORMATION REGARDING THE 1885 FIFTH AVE EAST 89TH STREET AND SURROUNDING PROPERTIES IS FOR ILLUSTRATIVE PURPOSES ONLY.

ARCHITECT'S SEAL

REVISION NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
29		
30		
31		
32		
33		
34		
35		
36		
37		
38		
39		
40		
41		
42		
43		
44		
45		
46		
47		
48		
49		
50		
51		
52		
53		
54		
55		
56		
57		
58		
59		
60		
61		
62		
63		
64		
65		
66		
67		
68		
69		
70		
71		
72		
73		
74		
75		
76		
77		
78		
79		
80		
81		
82		
83		
84		
85		
86		
87		
88		
89		
90		
91		
92		
93		
94		
95		
96		
97		
98		
99		
100		



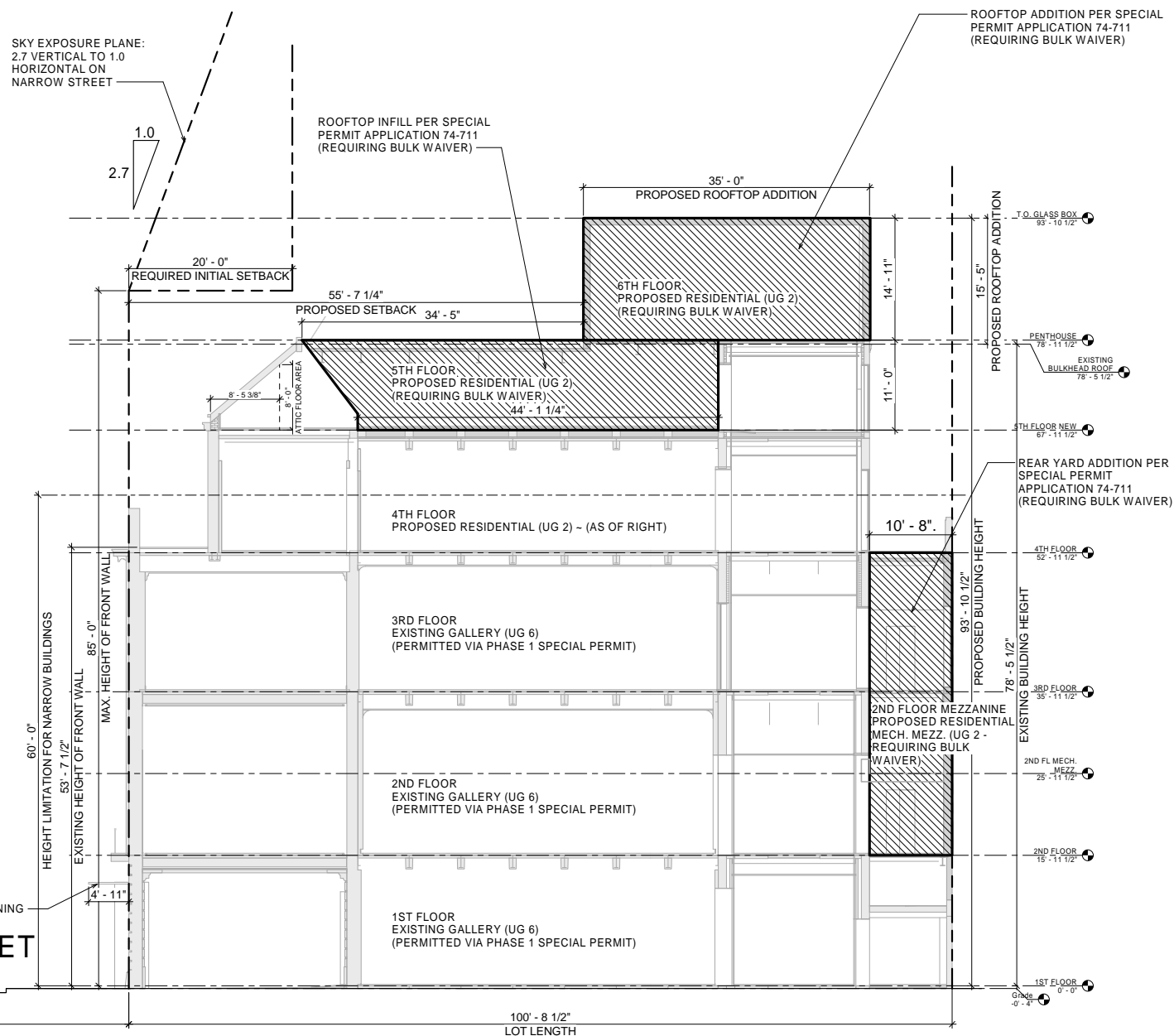
KEY PLAN AND NORTH SIGN
IF THIS DRAWING IS NOT 42" X 30"
A REDUCED PRINT

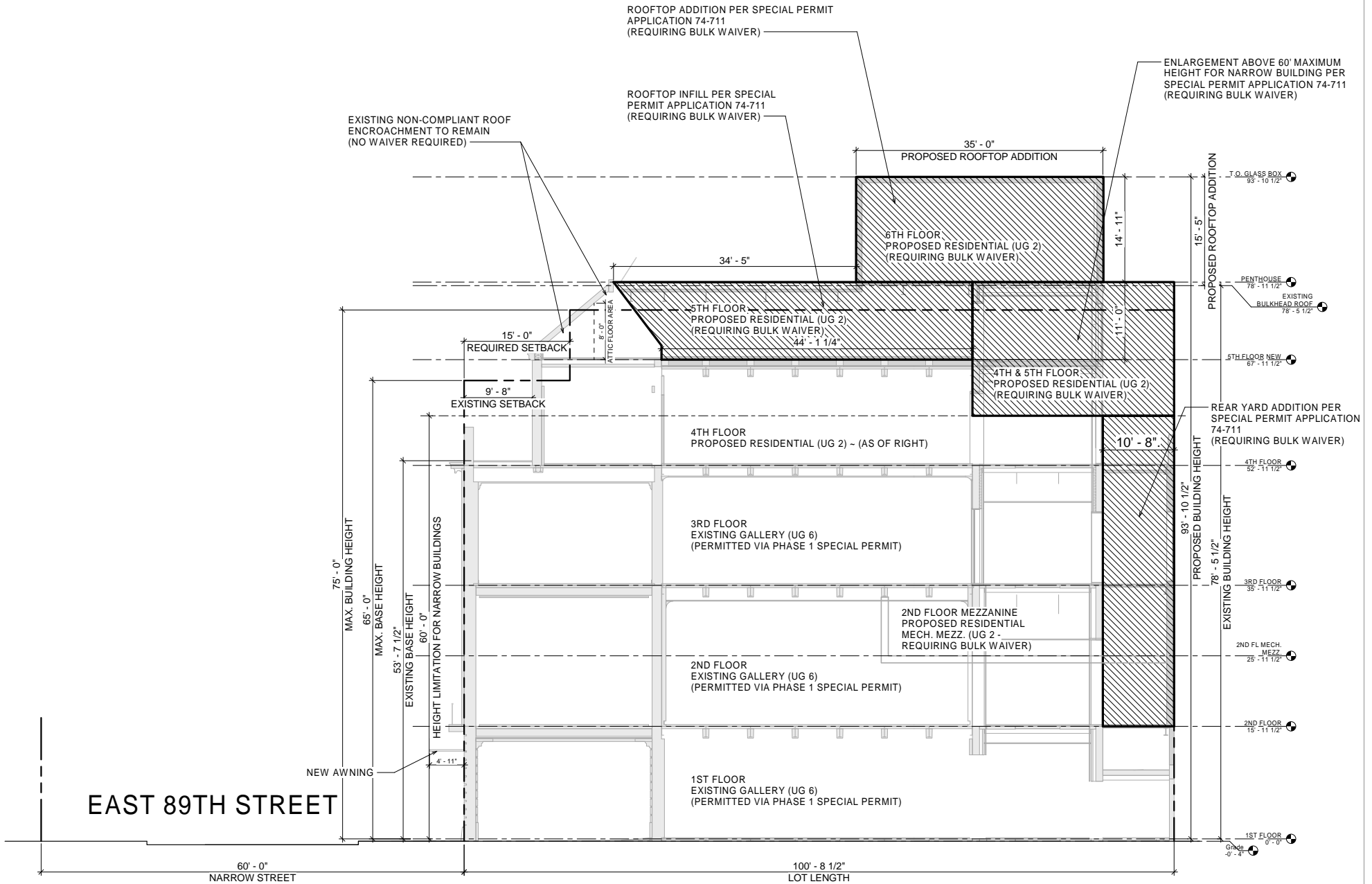
SCALE 1/4" = 1'-0"

**PHASE 2
PROPOSED
PENTHOUSE FLOOR
PLAN**

SHEET TITLE:
Z-213.00
SHEET NUMBER:

EAST 89TH STREET

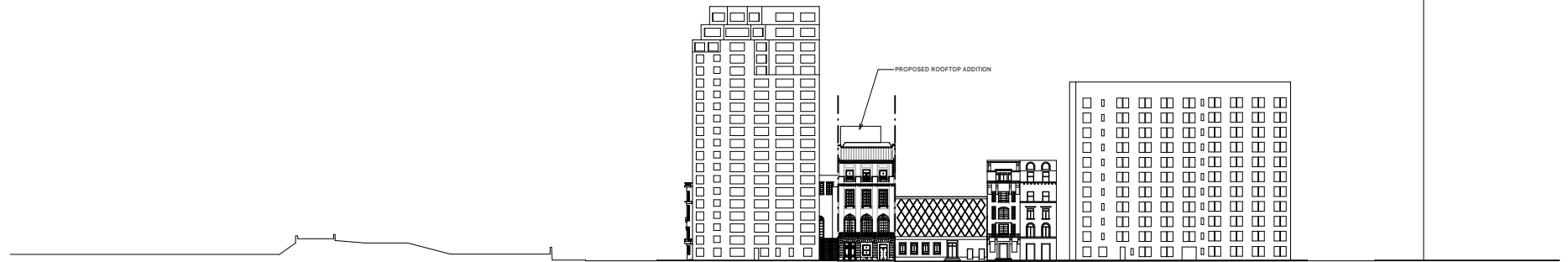
[illegible]



1 PROPOSED ZONING SECTION (R8B)

2-221 3/16" = 1'-0"

2020
A
B
C
D
E



1 ZONING NEIGHBORHOOD CHARACTERISTIC DIAGRAM ALONG EAST 89TH STREET
2.222 1/32" = 1'-0"



2 ZONING NEIGHBORHOOD CHARACTERISTIC DIAGRAM ALONG 5TH AVENUE
2.222 1/32" = 1'-0"

NOTE: THIS DRAWING IS FOR ILLUSTRATIVE PURPOSE ONLY



NEIGHBORHOOD

3 E. 89 STREET

FIGURE 23: PHASE 2 - NEIGHBORHOOD CHARACTERISTICS

ATTACHMENT B: TECHNICAL ANALYSES

INTRODUCTION

Based on the EAS Full Form, the Proposed Action requires additional analyses for Land Use, Zoning and Public Policy; Shadows; Urban Design; Hazardous Materials; Transportation; Air Quality; and Construction. These analyses can be found in Attachment B below. Additional analysis is not required for the remaining 13 categories listed in the Full EAS Form as they screened out per the questions in the EAS Form.

ATTACHMENT B-1: LAND USE, ZONING AND PUBLIC POLICY

1.1 Land Use

1.1.1 Existing Conditions

Existing land use patterns of city blocks within 400 feet of the Combined Zoning Lot are presented in Figure 4: Land Use Map. The *CEQR Technical Manual* suggests that a land use, zoning, and public policy study area should extend 400 feet from the site of the Proposed Action. This study area is generally bound by E. 91st Street to the north, parcels fronting the east side of Madison Avenue to the east, parcels fronting the south side of E. 88th Street to the south, and Central Park to the west. The study area, Combined Zoning Lot, and Development Site are located in the Carnegie Hill neighborhood of the Upper East Side in Manhattan Community District 8.

Land uses within the 400-foot study area around the Combined Zoning Lot includes public facilities and institutions, one- and two-family homes, multi-family residential buildings, and mixed-use residential and commercial buildings. Commercial and office buildings are limited. A portion of the Combined Zoning Lot faces Fifth Avenue along “Museum Mile”, and notable institutional uses are located within the study area.

The northern portion of the study area is anchored by the Cooper Hewitt Smithsonian Design Museum, the Spence School and other institutional uses which range from four to ten stories in height. Residential and mixed-use residential and commercial buildings in the northern portion of the study area are up to 14 stories tall.

In the central portion of the study area between E. 90th Street and E. 89th Street, residential and mixed-use buildings range from 12 to 38 stories along Fifth Avenue and Madison Avenue. Institutional uses range from two to six stories, and there is one six-story commercial building. The Church of the Heavenly Rest is a large church building located at the corner of Fifth Avenue and E. 90th Street.

Lots south of E. 89th Street in the southern portion of the study area follow a similar pattern with large residential and mixed-use residential and commercial buildings located along the Avenues (between 13 and 20 stories), and shorter residential buildings are located mid-block (5 to 13 stories). The Guggenheim Museum and St. David’s School are located along Fifth Avenue between E. 89th Street and E. 88th Street.

1.1.2 Future No-Action Condition

The Combined Zoning Lot is located in the Carnegie Hill neighborhood of the Upper East Side in Manhattan. Carnegie Hill is densely developed, and much of the neighborhood is located within the Expanded Carnegie Hill Historic District. No significant new construction was observed and no known developments have been identified within 400 feet of the Combined Zoning Lot. Therefore, in the future without the Proposed Action, it is assumed that the existing uses within the vicinity of the Combined Zoning Lot would remain unchanged. If the Proposed Action was not approved, and as a result, the Development Site was not expanded to facilitate the conversion from a nonprofit art gallery into a commercial art gallery, the buildings on the Combined Zoning Lot would remain used for a single-family residence (Lot 4), a nonprofit art gallery (Lot 5), and a museum (Lot 7).

1.1.3 Future With-Action Condition

Under the With-Action Scenario, the 74-711 special permit would facilitate the change of use at the Development Site from a Use Group 3 nonprofit art gallery to a Use Group 6 commercial art gallery and a single Use Group 2 residential unit. The 74-711 special permit would also permit building expansions into the rear yard and permit an increase in building height for the proposed new sixth floor. The 74-711 special permit would allow the Development Site to be expanded by 5,638 gsf. The second and third floors would be expanded into the rear yard to match the existing footprint of the first floor, the second through fourth floors would be expanded into the eastern side yard above the first floor footprint, the fifth floor would be expanded behind the existing copper-clad mansard, and a new sixth floor would be constructed. Under the Future With-Action Condition, the two other buildings on the Combined Zoning Lot would remain the same as under the Future No-Action Condition.

The 5,638 gsf rear and vertical expansion of the Development Site which would be facilitated by the Proposed Action would be consistent and compatible with land use patterns within the study area. Six stories buildings are within the existing scale of mid-block buildings within the study area, and the rear and side yard extensions are at most proposed to match the existing footprint of the first floor. The proposed commercial art gallery would complement the art and museum focused institutional uses within the study area and along Museum Mile. The Development Site is located across E. 89th Street from the Guggenheim Museum and one block south of the Cooper Hewitt Smithsonian Design Museum. The greater Carnegie Hill neighborhood is also home to commercial art galleries. The proposed single residential unit would be compatible with the neighborhood's residential character.

1.2 Zoning

1.2.1 Existing Conditions

The Combined Zoning Lot and Development Site are split between R10 and R8B zoning districts (see Figure 3: Zoning Map); the line between the two districts runs parallel to Fifth Avenue and Madison Avenue down the middle of the Development Site. The R10 zoning district is located on the western portion of the Combined Zoning Lot and is paired with a Park Improvement Special District. The R10 district fully encompasses 1083 Fifth Avenue (Lot 4) and covers the western half of the Development Site. The eastern half of the Development Site is within the R8B zoning district, which fully covers 5-7 E. 89th Street (Lot 7).

Zoning districts in the 400-foot study area include park and residential zones with and without a commercial overlay and special improvement districts. Residential zones include R7-2, R10, and R8B. The R10 districts in the study area are paired with the Park Improvement and Madison Avenue Preservation Special Purpose District. The study area also includes a C1-5 Commercial Overlay. The study area is located within Manhattan Community District 8, which is within the Manhattan Core, and therefore no off-street parking is required within any of the zoning districts.

Table 1.2.1-1 Summary of Zoning Regulations

Zoning District	Type and Use Group (UG)	Floor Area Ratio (FAR)
R7-2	Residential, UG 1-4	0.87 – 3.44 QH: 3.44 – 4.0; Inclusionary: 4.6
R8B	Residential, UG 1-4	4.0
R10	Residential, UG 1-4	10.0 Inclusionary: 12.0 (Tower-on-a-base)
C1-5 Overlay	Mixed-Use, UG 1-6	2.0 (Commercial) when paired with R10

R7-2 Districts

R7-2 residential zones are non-contextual districts that are mapped in the medium-density parts of Manhattan and the Bronx. In Manhattan, R7-2 districts are mapped in Stuyvesant Town and the Lower East Side, Greenwich Village, Roosevelt Island, portions of the Upper West Side and Upper East Side, Harlem, Washington Heights, and Inwood. Within the study area, R7-2 districts are mapped between the center of Fifth Avenue and the boundary of Central Park; no buildings are located in this district within the study area. Residential and community facility uses (Use Group 1-4) are permitted within the R7-2 district. Height factor regulations promote lower height buildings on smaller lots, and taller buildings set back from the street on larger lots. Height factor buildings have a maximum FAR between 0.87 and 3.44, an Open Space Ratio between 15.5 and 25.5, and the Sky Exposure Plane starts at 60 feet. Quality Housing regulations allow for shorter buildings with high lot coverage. Quality Housing regulations have a maximum FAR of 3.44 on narrow streets and 4.0 on wide streets. Inclusionary housing regulations allow for a maximum FAR of 4.6.

R8B Districts

R8B zoning districts are contextual districts that are mapped in medium-density parts of the city to preserve the feel of taller row house neighborhoods. In Manhattan, R8-B zoning districts are mapped in midblock areas of the East Village, Chelsea, Gramercy Park, Murray Hill, the Upper East Side, and the Upper West Side. R8B districts have mandatory Quality Housing regulations that encourage six-story apartment buildings that are traditionally found on the Upper East Side and Upper West Side. An R8B district is mapped in the midblock portion of the study area between Fifth Avenue and Madison Avenue. The eastern portion of the Development Site and Combined Zoning Lot are within an R8B district. R8B districts have a maximum FAR of 4.0, and a maximum building height of 75 feet. R8B districts require minimum base heights of 55 feet and maximum base heights of 65 feet. The maximum lot coverage is 70 percent for midblock buildings and 100 percent for corner buildings.

R10 Districts

R10 zoning districts are high-density residential districts that are mostly mapped along Fifth Avenue, Park Avenue, and York Avenue in Manhattan. The western portion of the Combined Zoning Lot and Development Site are located with an R10 district. Buildings that are developed under R10 zoning regulations can also be found in commercial districts that have an R10 residential equivalent. Buildings within the R10 district can be developed under Quality Housing, height factor, or tower-on-a-base regulations. Since the R10 district is mapped along wide streets in the study area, buildings could only be developed under tower-on-a-base or Quality Housing regulations. Buildings developed as a standard tower, basic tower-on-a-base, and basic Quality Housing have a maximum FAR of 10.0. Buildings developed with inclusionary housing have a maximum FAR of 12.0. Height factor and tower-on-a-base developments do not have a maximum height, however, the Sky Exposure Plane starts at 85 feet for height factor buildings and tower-on-a-base buildings must have a base height between 60 feet and 85 feet tall. Height factor buildings have a maximum tower lot coverage of 40 percent and tower-on-a-base buildings must have a tower lot coverage between 30 percent and 40 percent. Buildings developed under basic Quality Housing regulations must have a base height between 50 feet and 125 feet on narrow streets, and between 125 feet and 155 feet on wide streets; under Inclusionary Housing regulations the buildings would have a base height between 60 feet and 155 feet on a narrow street and between 125 feet and 155 feet on a wide street.

Special Districts

R10 districts within the study area are mapped along Fifth Avenue and Madison Avenue. These R10 districts are also paired with Special Districts that modify their regulations. The R10 district mapped along Fifth Avenue is paired with the Special Park Improvement District, and the R10 district along Madison Avenue is paired with the Special Madison Avenue Preservation District.

Special Park Improvement District

The Special Park Improvement District was created to preserve the character of residential areas along Fifth Avenue and Park Avenue, and to provide alternatives to plaza and arcade development which would be redundant open space considering the area's location near Central Park and Park Avenue malls. Buildings developed in this district are limited to an FAR of 10.0 and must have a building wall that extends

the entire length of the street frontage with Fifth Avenue and the first 50 feet of intersecting streets. This building wall must be between 125 and 150 feet, beyond which there can be a 10-foot setback. The maximum height of buildings within the Special Park Improvement District is 210 feet or 19 stories, whichever is less. Buildings may not have commercial uses except those in Use Group 6B, which also must be located beyond 100 feet from Fifth Avenue.

Special Madison Avenue Preservation District

The Special Madison Avenue Preservation District was created to preserve the architectural character of Madison Avenue, to promote specialty shops at street level, and to provide amenities that relate to residential uses in the area. Development in this district is limited to 10.0 FAR, and buildings may not be taller than 170 feet, except when stories over 170 feet in height would have 80 percent or less of the floor area than the building below; in this instance, the maximum building height is the lesser of 19 stories or 210 feet. Certain midblock developments in this district have further height restrictions. Buildings in this district must have ground-floor commercial uses that occupy a minimum of 75 percent of the zoning lot frontage along Madison Avenue, except on lots with less than 100 feet of frontage. These uses are restricted to specialty stores and uses that compliment residential uses such as banks, bakeries, art galleries and supply stores, book stores, newsstands, restaurants and, dry cleaning, and laundromats.

C1-5 Commercial Overlay

The C1-5 commercial overlay is located in the eastern portion of the Study Area, and extends 100 feet towards the midblock from the zoning lot edges that front Madison Avenue. In the study area, the C1-5 is an overlay to an R10 district, which results in a commercial FAR of 2.0. The C1-5 commercial overlay allows for local retail needs, and are can be found along shopping streets throughout the city. Uses that typically occur the C1-5 overlay include neighborhood grocery stores, restaurants, personal service establishments, dry cleaners, small clothing stores, and offices.

1.2.2 Future No-Action Conditions

In the future under the No-Action Condition, the Combined Zoning Lot and Development Site would remain split between the R10 district and Special Park Improvement District (PI) and an R8B district. It is unlikely that the Combined Zoning Lot and Development Site would be rezoned in the near future since the surrounding area is built out with medium- to high-density development, is partially covered by historic districts, and home to notable institutions like museums and schools.

Additionally, the midblock portions of the study area and beyond in the Upper East Side were rezoned from R7-2 or R8 to R8B in 1985 in order to preserve the traditional “brownstone” and walkup apartment buildings that are constructed to the lot line on the Upper East Side. R7-2 and R8 districts promote taller buildings with the open space on the lot, which is not compatible with the traditional design of midblock buildings in the Upper East Side. Since the neighborhood has already been rezoned to preserve the character of the neighborhood, it is unlikely that the midblock portions of the study area would be further rezoned.

1.2.3 Future With-Action Conditions

In the future under the With-Action Condition, a special permit pursuant to ZR Section 74-711 would modify ZR 22-10 to allow a change of use, ZR 23-47 to allow rear expansion, and ZR 23-662, ZR 22-692, ZR 24-592, and ZR 23-711 to allow height expansion that are currently not permitted under zoning. The actions permitted by the 74-711 special permit would facilitate the conversion of the existing Use Group 3 nonprofit art gallery to a Use Group 6 commercial art gallery and a single Use Group 2 residential unit by providing additional space for mechanical systems, bathrooms, space for gallery support, and a single residential unit. The 74-711 special permit would apply to the Combined Zoning Lot, but the proposed changes would only occur to the Development Site.

ZR Section 22-10 regulates uses that are permitted in residential districts, and states that Use Groups 1, 2, 3, and 4, are allowed as-of-right. In the future under the With-Action Condition, the first, second, and third floors would be used as a Use Group 6 commercial art gallery, which is not permitted in residential districts. The Use Group 6 commercial art gallery would join other commercial art galleries in the neighborhood and would complement the arts, cultural, and institutional uses in Carnegie Hill. The Use Group 6 commercial art gallery would also allow the Applicant to generate revenue which could go towards the ongoing maintenance of the historic building on the Development Site.

ZR Section 23-47 regulates minimum required rear yards in residential districts, and generally states that all lots in residential districts must have a rear yard that is at least 30 feet deep (with exceptions). The proposed building expansion would include constructed new floor area within 30 feet of the rear lot line on the second and third floors which would match the footprint of the existing first floor. This extra floor area is required for mechanical equipment and other gallery-supporting uses like art storage and accessory offices.

ZR Section 23-662 regulates the maximum height and setback regulations for Quality Housing buildings in medium and high-density residential districts (R6, R7, R8, R9, and R10). The section states that the maximum height of buildings in R8B districts, which have mandatory Quality Housing bulk regulations, is 75 feet. ZR Section 23-692 regulates height for narrow buildings or enlargements in R7-2, R7D, R7X, R8, R9, and R10 districts, and ZR Section 24-592 regulates height for narrow buildings with street walls less than 45 feet in width in the R7-2, R8, R9, and R10 districts. Both ZR Sections 23-692 and 24-592 limit building enlargements to 60 feet in height. The proposed expansion of the existing fifth floor and new sixth floor would result in a building that has a maximum height of 93 feet, 10.5 inches. The proposed fifth story expansion and new sixth floor would be used together with the fourth floor as a single residential unit.

ZR Section 23-711 regulates the minimum distances between residential buildings and any other building located on the same zoning lot. The required distance varies based on the height of the buildings on the zoning lot, and whether the building has legally required windows in facing building walls. The currently ongoing construction at 1083 Fifth Avenue would create new legally required windows which serve bedrooms on the building's fifth and sixth stories, and the newly constructed seventh floor would have a wall without legally required windows. The distance between the buildings at 1083 Fifth Avenue and the Development Site is 30 feet, 11 inches at the fifth and sixth floors, and 33 feet, 11 inches at the seventh floor. After Phase 1 of the proposed project, the distance between the two buildings would comply with ZR 23-711. The enlargement in Phase 2 of the proposed project would increase the height of 3 E. 89th Street, which in turn would require a larger minimum distance between the legally required windows at 1083 Fifth Avenue and the exterior wall of 3 E. 89th Street. The new required minimum distance between the buildings is 35 feet, which is 4 feet, 1 inch larger than the distance between the two buildings at the fifth and sixth floors.

The special permit pursuant to ZR Section 74-711 would modify ZR 22-10, ZR 23-47, ZR 23-662, ZR 22-692, ZR 24-592, and ZR 23-711 to facilitate a change of use and expansion of the existing building at 3 E. 89th Street. The proposed building would be expanded into the rear and side yards, would have an expanded fifth floor behind the existing copper-clad mansard, and a new sixth floor. The first through third floors would be a Use Group 6 commercial art gallery and the fourth through sixth floors would be used as a single Use Group 2 residential unit. The six-story building would fit with the height and bulk of neighborhood buildings, and the art gallery and residential uses would be complementary additions to Carnegie Hill which is home to notable arts and institutional uses and residential buildings.

1.3 Public Policy

The Proposed Action is not part of a larger city-sponsored project or neighborhood or economic development plan. The Combined Zoning Lot and Development Site are located outside of the New York City Coastal zone and therefore do not have to be reviewed for consistency with the City's Waterfront Revitalization Program.

A search of Zoning and Land Use Applications revealed that there are no active land use applications within the study area. There have not been any rezonings within the study area in the past 15 years. The midblock portions of the study area and beyond in the Upper East Side were rezoned from R7-2 or R8 to R8B in 1985 to preserve the traditional "brownstone" and walkup apartment buildings that are constructed to the lot line on the Upper East Side.

1.3.2 Future No-Action Conditions

No changes to Public Policy are expected in the future without the Proposed Action (No-Action Condition) within the vicinity of the Development Site or the Combined Zoning Lot; therefore, no impacts would occur.

1.3.3 *Future With-Action Conditions*

In the future under the With-Action Condition, no changes to Public Policy are expected in the vicinity of the Development Site or the Combined Zoning Lot; therefore, no impacts would occur.

ATTACHMENT B-2: SHADOWS

2.1 Introduction

The *CEQR Technical Manual* defines a shadow as the circumstance in which a building or other built structure blocks the sun from the land or other publicly accessible sunlight-sensitive resources of concern. As described below, the Proposed Action is not expected to result in significant adverse shadow impacts.

2.2 Methodology

Definitions

Shadows can have impacts on publicly accessible open spaces or natural features by adversely affecting their use and important landscaping and vegetation. Increases in shadow coverage can make parks feel darker and colder, affecting the experience of park patrons. Shadows can also have impacts on historic resources whose features are sunlight-sensitive, such as stained-glass windows, by obscuring the features or details which make the resources significant.

In general, shadows on city streets and sidewalks or on other buildings are not considered significant under CEQR. Some open spaces contain facilities that are not sensitive to sunlight. These are usually paved spaces such as handball or basketball courts, contain no sitting areas and no vegetation, no unusual or historic plantings, or contain only unusual or historic plantings that are shade tolerant. These types of facilities do not need to be analyzed for shadows impacts. Additionally, it is generally not necessary to assess resources located to the south of development sites as shadows cast by the action-generated development would not be cast in the direction of these resources. Furthermore, shadows occurring within an hour and a half of sunrise and sunset generally are not considered significant under CEQR.

Methodology

Following the guidelines of the *CEQR Technical Manual*, a shadow assessment is required only if the project would either (a) result in new structures (or additions to existing structures including the addition of rooftop mechanical equipment) of 50 feet or more or (b) be located adjacent to, or across the street from, a sunlight-sensitive resource. However, where a project's height increase is ten feet or less and it is located adjacent to, or across the street from, a sunlight-sensitive open space resource, which is not a designated New York City Landmark or listed on the State/National Registers of Historic Places or eligible for these programs, the lead agency may determine, in consultation with the NYC Department of Parks and Recreation (NYC Parks), whether a shadow assessment is required in that case.

To determine whether new shadows could adversely affect the aforementioned opens spaces, screening analyses are necessary. A preliminary screening assessment must first be conducted to determine whether a project's shadow could reach any sunlight-sensitive resources at any time of year. The preliminary screening assessment consists of three tiers of analysis. Prior to conducting the three-tiered analysis, a base map illustrating the proposed site location in relation to the sunlight-sensitive resources must be prepared. After the base map is developed, the longest shadow study area is determined (Tier 1

Screening Assessment). The longest shadow study area encompasses the site of the proposed project and a perimeter around the site's boundary with a radius equal to the longest shadow that could be cast by the proposed structure, which is 4.3 times the height of the structure and occurs on December 21, the winter solstice. To find the longest shadow length, multiply the maximum height of the structure (including any rooftop mechanical equipment) resulting from the proposed project by the factor of 4.3. Once the longest shadow length has been determined, any sunlight sensitive resources located within the shadow extent should be identified.

If any portion of a sunlight-sensitive resource lies within the longest shadow study area, a Tier 2 Screening Analysis must be performed. Because of the path that the sun travels across the sky in the northern hemisphere, no shadow can be cast in a triangular area south of any given project site. In New York City, this area lies between -108 and +108 degrees from true north. Therefore, on the base map, the triangular area that cannot be shaded by the proposed project site starting from the southernmost portion of the site, covering the area between -108° degrees from true north and +108 degrees from true north should be located. The complementing portion to the north within the longest shadow study area is the area that can be shaded by the proposed project. Any sunlight sensitive resources located within the reduced shadow extent should be identified; if none of the sunlight-sensitive resources lay within the area that can be shaded by the proposed project, no further assessment of shadows is necessary.

Based on the results of the Tier 2 screening assessment, a Tier 3 screening assessment should be performed if any portion of a sunlight-sensitive resource is within the area that could be shaded by the proposed project. The Tier 3 assessment recommends the use of three-dimensional computer modeling to determine the extent and duration of shadow impacts on any identified sunlight sensitive resources.

2.3 Assessment

2.3.1 Future without the Proposed Action (No-Action Condition)

Under the No-Action Condition, the Development Site would remain a five-story townhouse building that was used as a Use Group 3 nonprofit art gallery. As no new construction would occur under the No-Action Condition, no new shadows would occur.

2.3.2 Future with the Proposed Action (With-Action Condition)

Tier 1 Screening Assessment

Under the Proposed Action (With-Action Condition) the existing five story building would be expanded to the rear, the building's fifth floor would be expanded to a full story, and a new sixth floor would be constructed. The proposed expansion would result in a building that rises to 93 feet, 10.5 inches at the top of the sixth floor, which would be the highest point of the building. The Development Site is located southerly adjacent to the Church of the Heavenly Rest, which is also located in the Expanded Carnegie Hill Historic District. The church has stained glass windows, which are a sunlight sensitive resource as

discussed in the *CEQR Technical Manual*. The location of a sunlight sensitive resource adjacent to the Development Site requires a shadow assessment.

According to the *CEQR Technical Manual*, the longest shadow cast by any structures in New York City occurs on December 21 (the winter solstice) and is 4.3 times the height of the structure. For a building with a height of 93 feet, 10.5 inches, the longest shadow it would cast would be approximately 403.7 feet. Figure 24 illustrates the Tier 1 and Tier 2 screening assessments. Figure 24 shows that Central Park is a sunlight-sensitive open space resource and the Church of the Heavenly Rest has sunlight-sensitive architectural features, and both are within 403.7 feet of the Development Site.

Sunlight Sensitive Open Space Resources

Central Park

Central Park is an approximately 843-acre park located in the middle of Manhattan. It includes numerous attractions, including playgrounds, ball fields, tennis courts, walking paths, carriage horses, fishing lakes, and ice rinks. The portion of Central Park that is within the shadow study area includes the Shuman Running Track, the bridle path, and East Drive. These three routes are separated by rows of trees and are popular with walkers, runners, and bicyclists. Central Park is approximately 160 feet west of the Development Site.

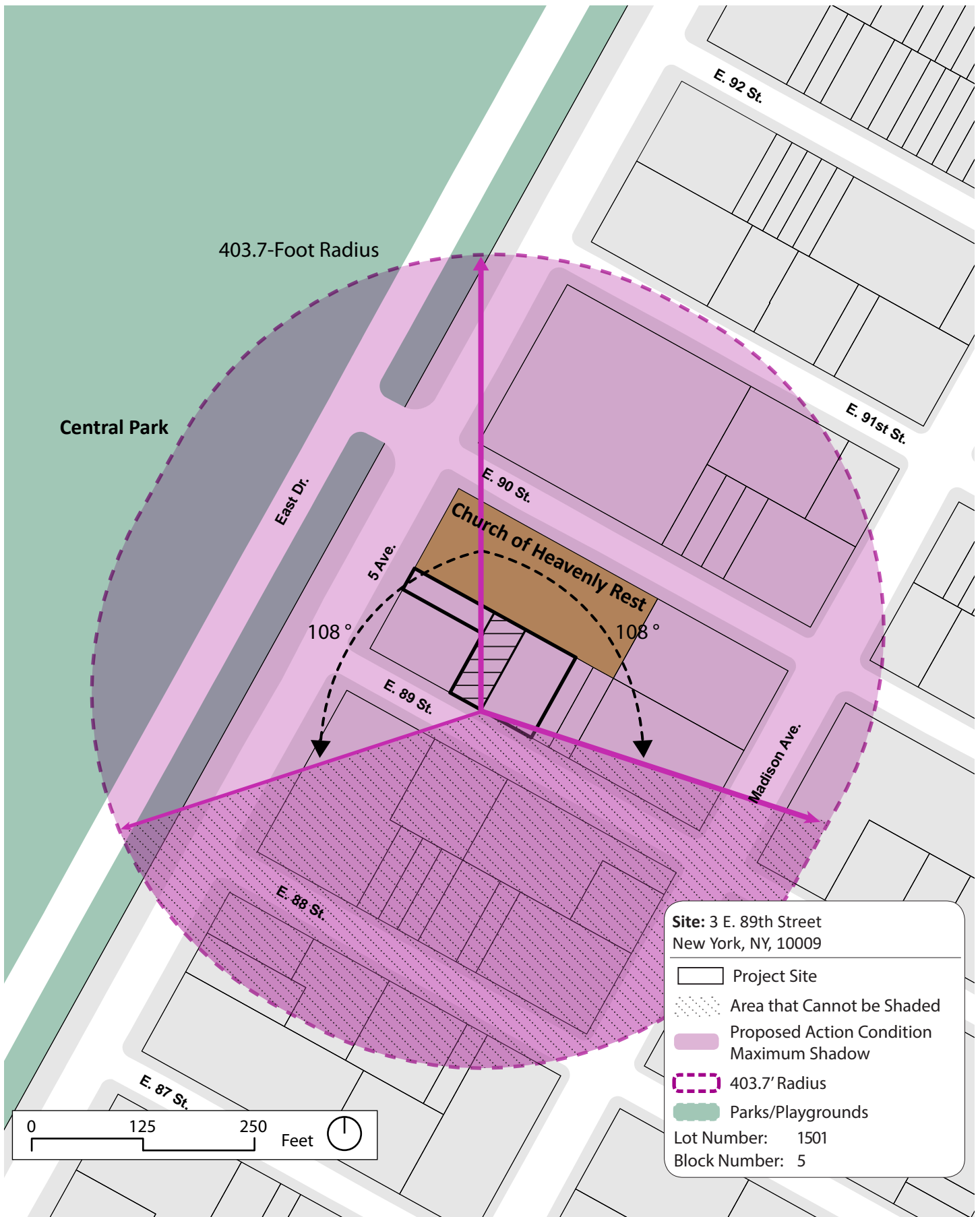
Sunlight Sensitive Architectural Resources

Church of the Heavenly Rest

The Church of the Heavenly Rest is an Episcopal Church located north of the rear lot line of the Development Site. The roughly rectangular-shaped church's main entrance is on Fifth Avenue, and the building continues east parallel to E. 90th Street. The sunlight sensitive resource on the church building is its stained glass windows. The church has stained glass windows on the northern side of the building along E. 90th Street, on the western side along Fifth Avenue, and on its southern side parallel to the rear lot line of the Development Site. There are three large stained glass windows on the northern side of the building, one large window above the church doors facing Fifth Avenue (western side), and three large stained glass windows on the southern side. Each of the large windows has smaller panels within the overall window. The stained glass windows on the southern side of the building have the potential to be impacted by the marginal increase in shadows from the proposed development; the stained glass windows on the northern and western sides of the building do not.

Tier 2 Screening Assessment

The attached Tier 2 Screening Assessment (see Figure 24) shows the area south of the Development Site that cannot be shaded by the proposed building addition. As illustrated in the figure, two sites are located within the area that have the potential to be shaded by the proposed project. Therefore these sunlight sensitive resources could be affected by shadows from the proposed project and require further assessment.



3 E. 89 STREET

FIGURE 24: TIER 1 AND 2 SCREENING ASSESSMENTS

Tier 3 Screening Assessment

Shadows cast by buildings are not static, their length and duration change based on the time of year and the time of day. The Tier 3 Screening Assessment uses three-dimensional (3D) computer modeling technology to project the incremental shadows that would be cast by the expansion of the building at the Development Site. The computer model analyzed the potential shadow cast by the proposed project on the four representative days for analysis that are listed in the *CEQR Technical Manual*: June 21, August 6, September 21, and December 21.

Per the guidance in the *CEQR Technical Manual*, the Tier 3 Screening Assessment analyzes shadows that are cast between 90 minutes after sunrise and 90 minutes before sunset. Shadows cast within 90 minutes of sunrise and sunset pass very quickly and tend to be longer than shadows cast during other times of the day. Since shadows in the early morning and early evening are longer than other parts of the day, many sunlight sensitive resources are already covered by shadows from existing buildings during this time.

Tier 3 Screening Assessment Results

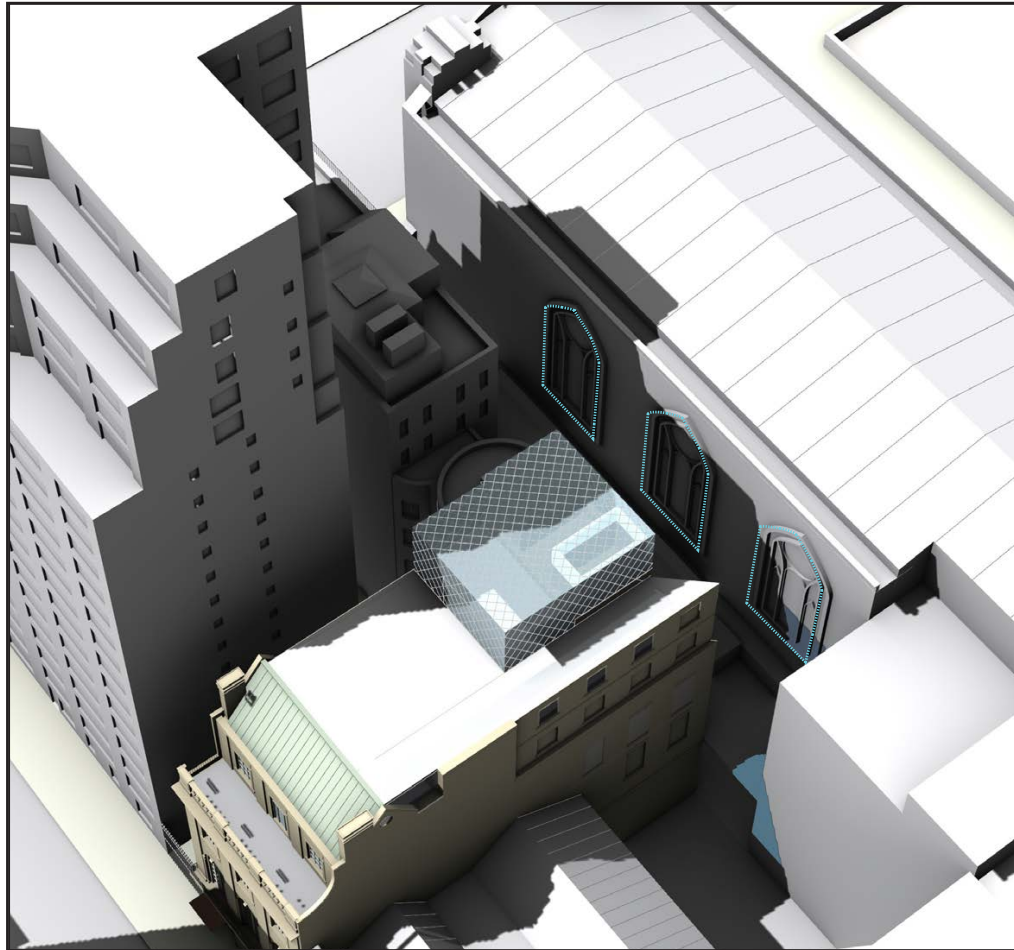
The Tier 3 Screening Assessment revealed that the marginal increase in shadows that would be cast by the proposed building expansion would reach the stained glass windows on the Church of the Heavenly Rest but they would not reach Central Park. Table 2.3.2-1 shows that the marginal shadows would reach the stained glass windows on August 6, September 21, and December 21. Figures 25 through 29 illustrate the marginal increase in shadows during the hours that they would of the Church of Heavenly Rest, but do not show the days when marginal shadows would not reach the windows; the full Tier 3 Screening Assessment is in Appendix B. Per the *CEQR Technical Manual* the shadow times do not take daylight savings time into account.

Table 2.3.2-1: Existing and Incremental Shadows Cast on the Stained Glass Windows of the Church of the Heavenly Rest

	June 21		August 6		September 21		December 21	
Time	Existing Shadow	Incremental Shadow	Existing Shadow	Incremental Shadow	Existing Shadows	Incremental Shadows	Existing Shadow	Incremental Shadow
7:00 AM	100%	-	100%	-	-	-	-	-
8:00 AM	100%	-	100%	-	100%	-	100%	-
9:00 AM	100%	-	100%	-	100%	-	100%	-
10:00 AM	100%	-	5%	-	10%	-	85%	5%
11:00 AM	0%	-	0%	-	5%	5%	70%	20%
12:00 PM	0%	-	0%	-	5%	10%	40%	10%
1:00 PM	5%	-	15%	-	40%	20%	60%	10%
2:00 PM	35%	-	75%	5%	75%	20%	85%	5%
3:00 PM	70%	-	100%	-	100%	-	100%	-
4:00 PM	70%	-	95%	-	100%	-	100%	-
5:00 PM	40%	-	85%	-	100%	-	-	-
6:00 PM	80%	-	60%	-	100%	-	-	-

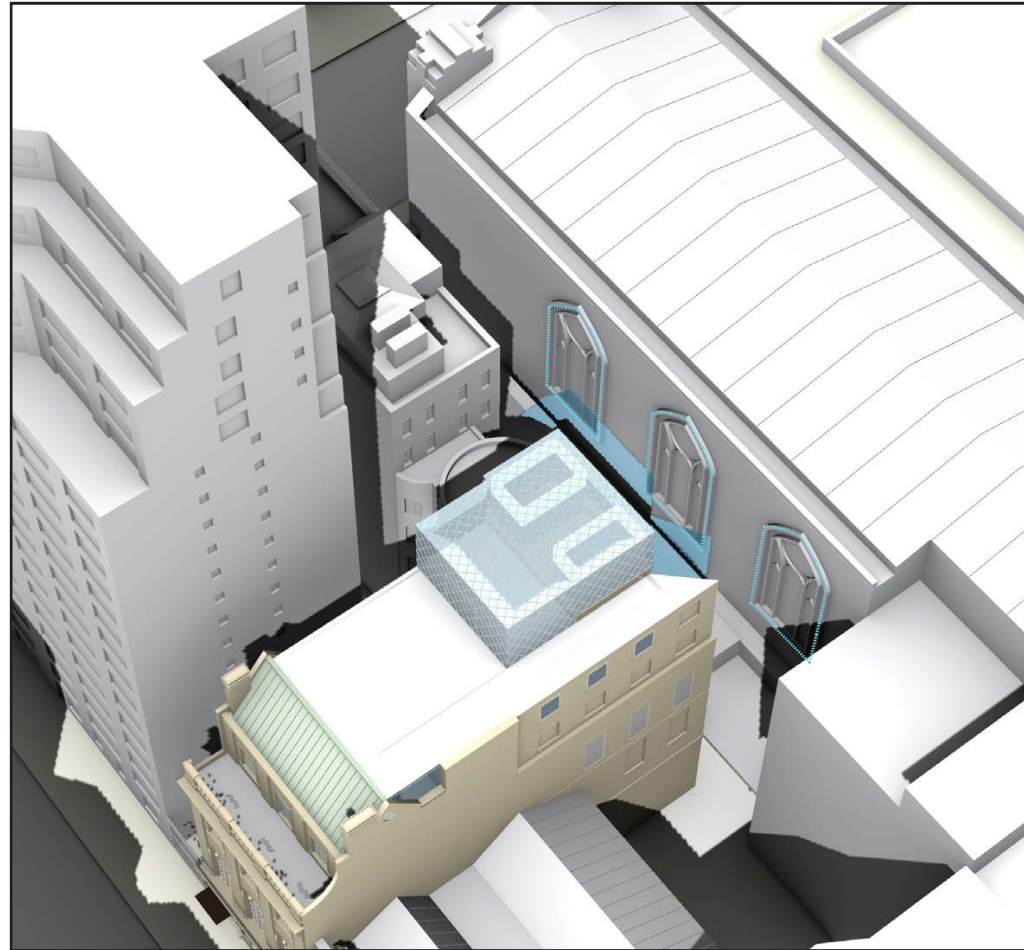
Detailed Shadow Study

- Incremental Shadow
- Existing Shadows
- Stained Glass Windows



August 6, 2:00 PM

Approximately 5 percent incremental shadow.



September 21, 11:00 AM

Approximately 5 percent incremental shadow.

Note: These figures only show the shadow diagrams for hours when the incremental shadow that would be cast by the proposed building expansion would reach the stained glass windows at the Church of the Heavenly Rest. Shadows are shown in approximately one-hour increments. Daylight savings time is not used per guidance in the *CEQR Technical Manual*.

3 E. 89 STREET

ENVIRONMENTAL ASSESSMENT STATEMENT

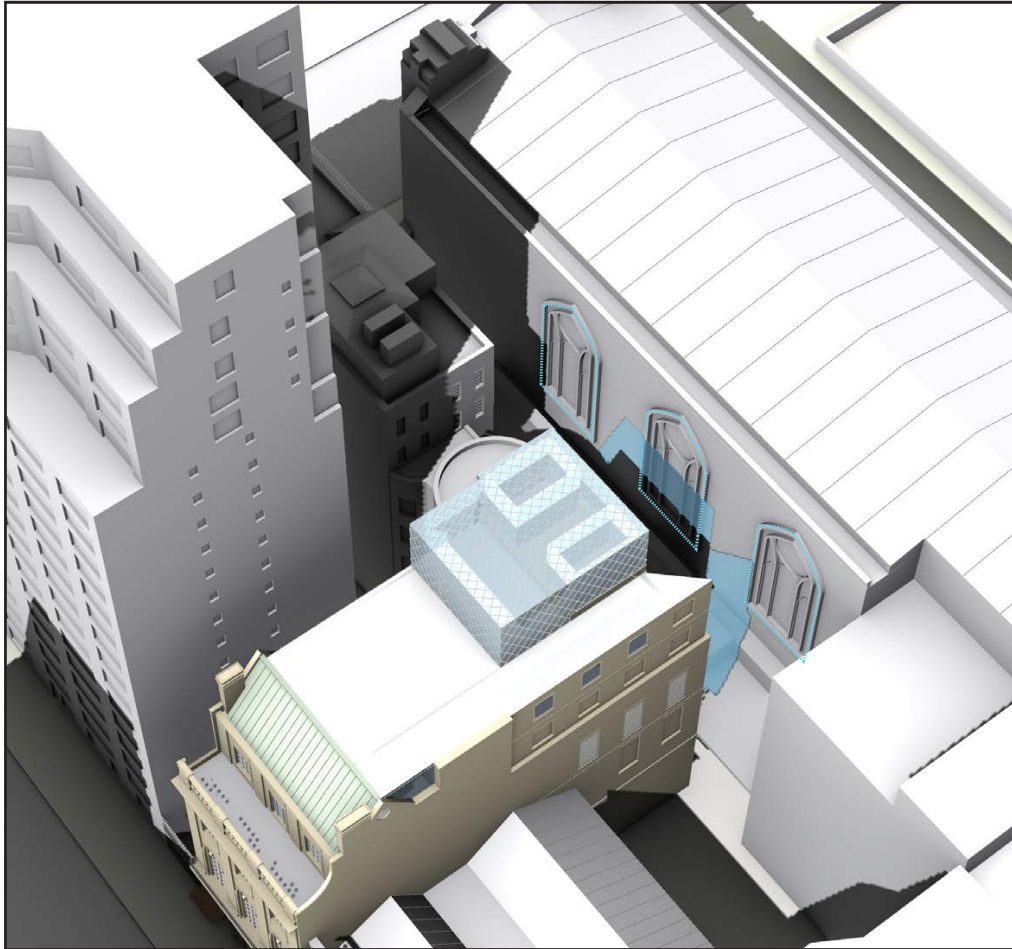
FIGURE 25: TIER 3 SHADOW STUDY

SOURCE: RAFAEL VIÑOLY ARCHITECTS, 2020

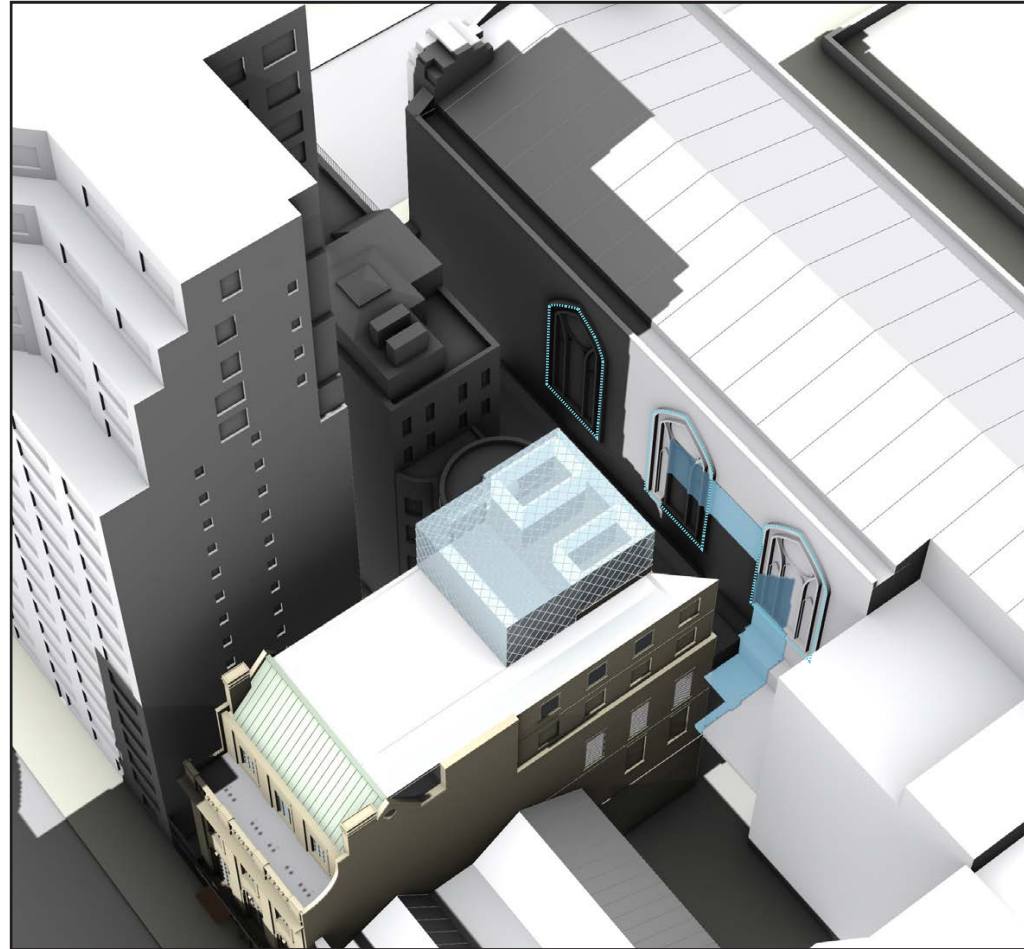
BFJ Planning

Detailed Shadow Study

- Incremental Shadow
- Existing Shadows
- Stained Glass Windows



September 21, 12:00 PM
Approximately 10 percent incremental shadow.



September 21, 1:00 PM
Approximately 20 percent incremental shadow.

Note: These figures only show the shadow diagrams for hours when the incremental shadow that would be cast by the proposed building expansion would reach the stained glass windows at the Church of the Heavenly Rest. Shadows are shown in approximately one-hour increments. Daylight savings time is not used per guidance in the *CEQR Technical Manual*.

3 E. 89 STREET

ENVIRONMENTAL ASSESSMENT STATEMENT

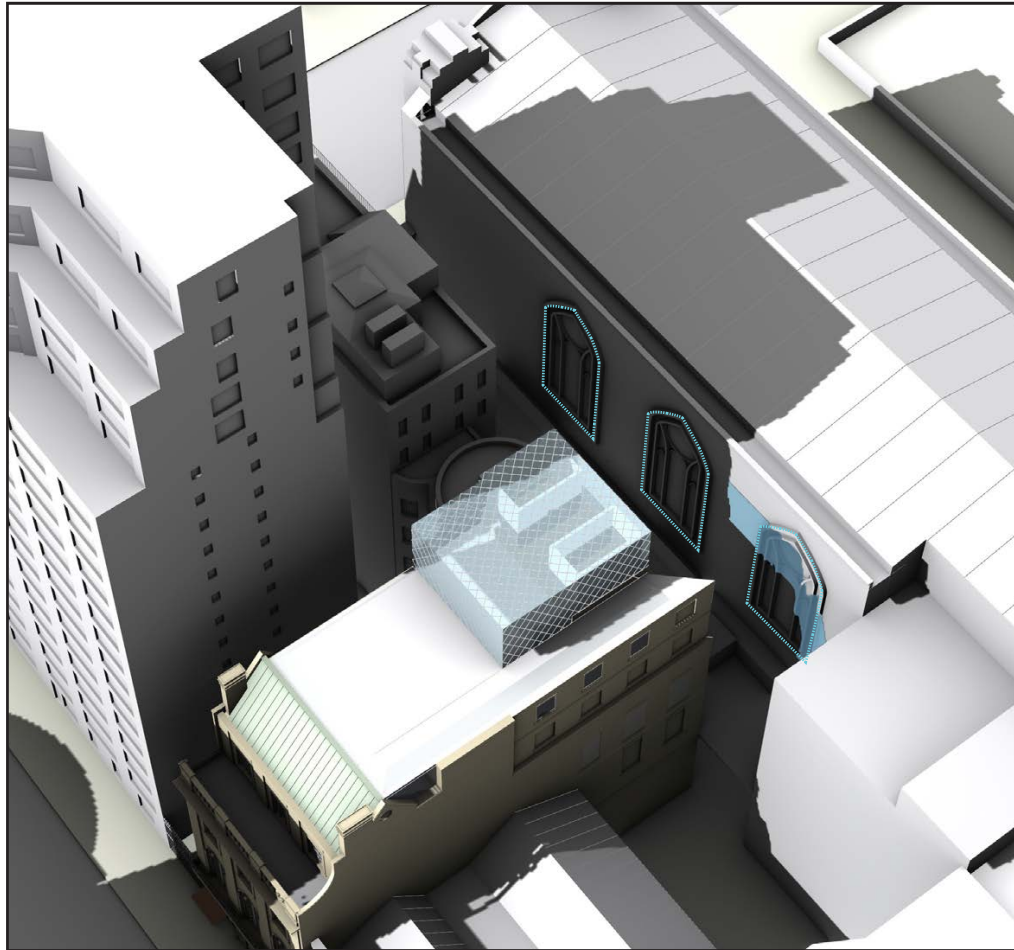
FIGURE 26: TIER 3 SHADOW STUDY

SOURCE: RAFAEL VIÑOLY ARCHITECTS, 2020

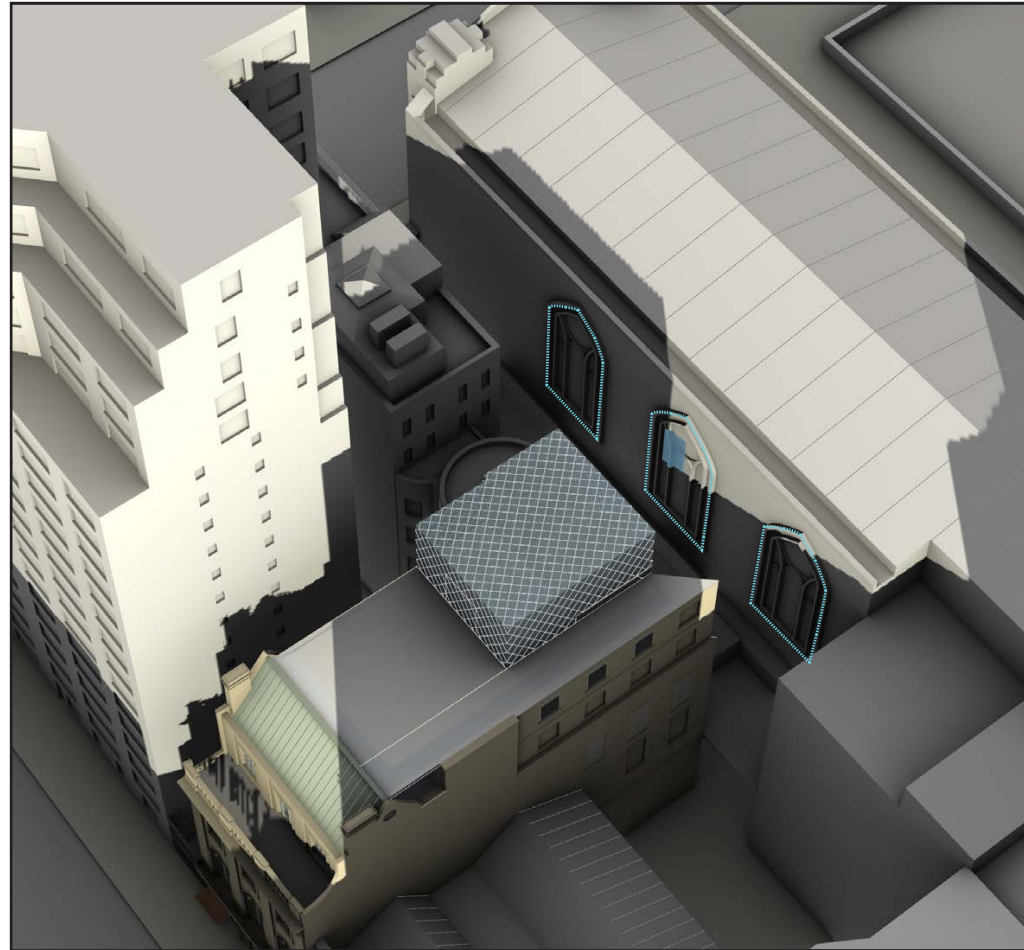
BFJ Planning

Detailed Shadow Study

- Incremental Shadow
- Existing Shadows
- Stained Glass Windows



September 21, 2:00 PM
Approximately 20 percent incremental shadow.



December 21, 10:00 AM
Approximately 5 percent incremental shadow.

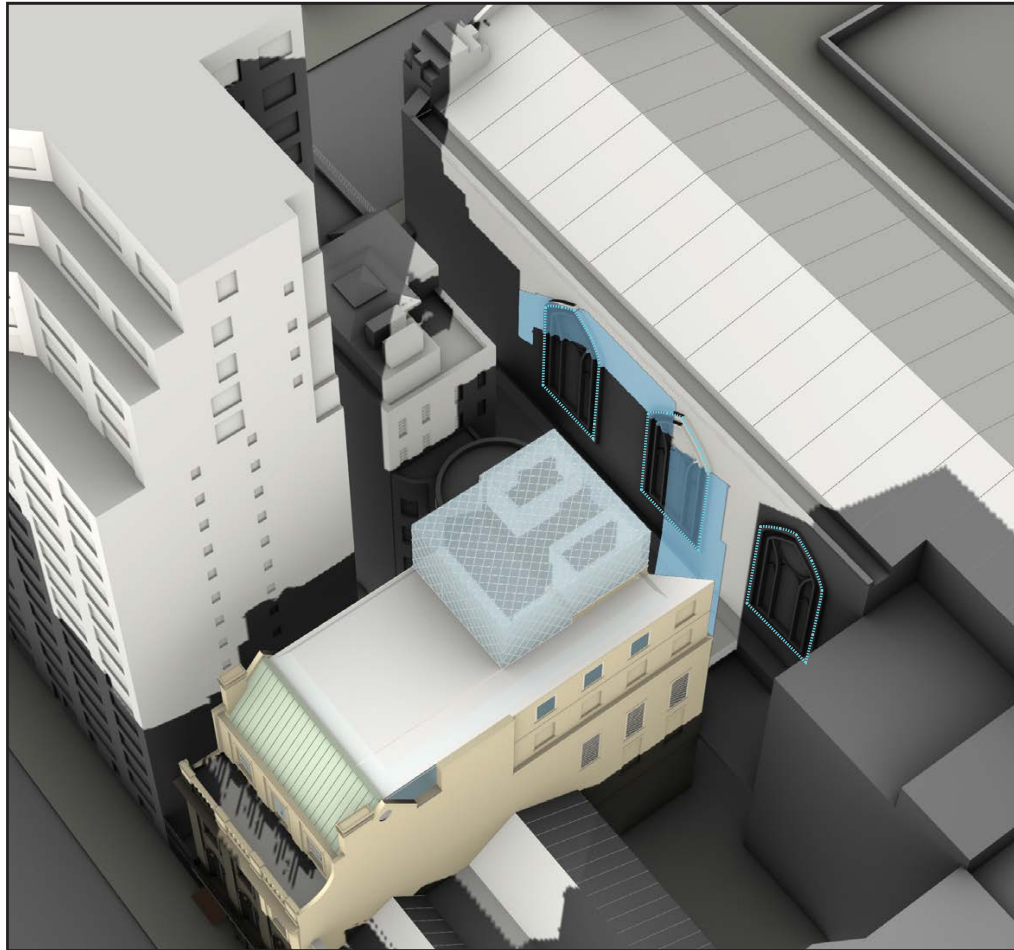
Note: These figures only show the shadow diagrams for hours when the incremental shadow that would be cast by the proposed building expansion would reach the stained glass windows at the Church of the Heavenly Rest. Shadows are shown in approximately one-hour increments. Daylight savings time is not used per guidance in the *CEQR Technical Manual*.

3 E. 89 STREET

FIGURE 27: TIER 3 SHADOW STUDY

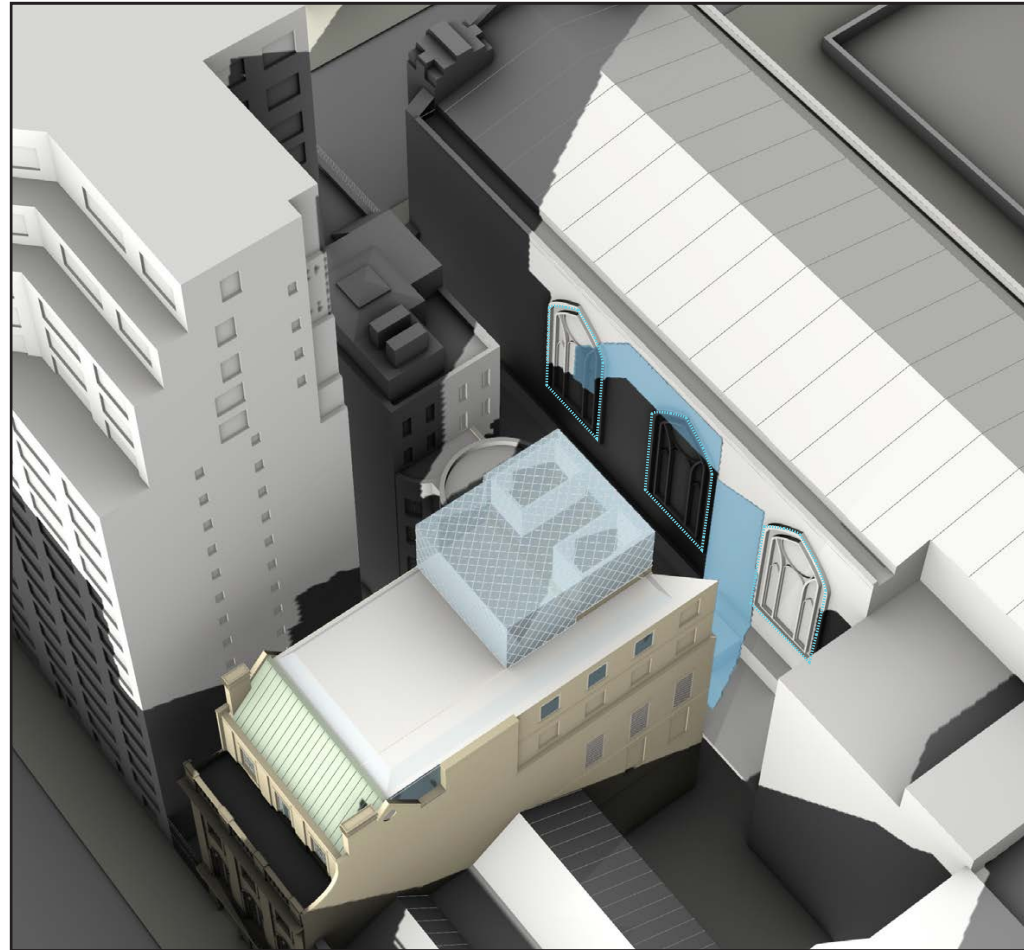
Detailed Shadow Study

- Incremental Shadow
- Existing Shadows
- Stained Glass Windows



December 21, 11:00 AM

Approximately 20 percent incremental shadow.



December 21, 12:00 PM

Approximately 10 percent incremental shadow.

Note: These figures only show the shadow diagrams for hours when the incremental shadow that would be cast by the proposed building expansion would reach the stained glass windows at the Church of the Heavenly Rest. Shadows are shown in approximately one-hour increments. Daylight savings time is not used per guidance in the *CEQR Technical Manual*.

3 E. 89 STREET

ENVIRONMENTAL ASSESSMENT STATEMENT

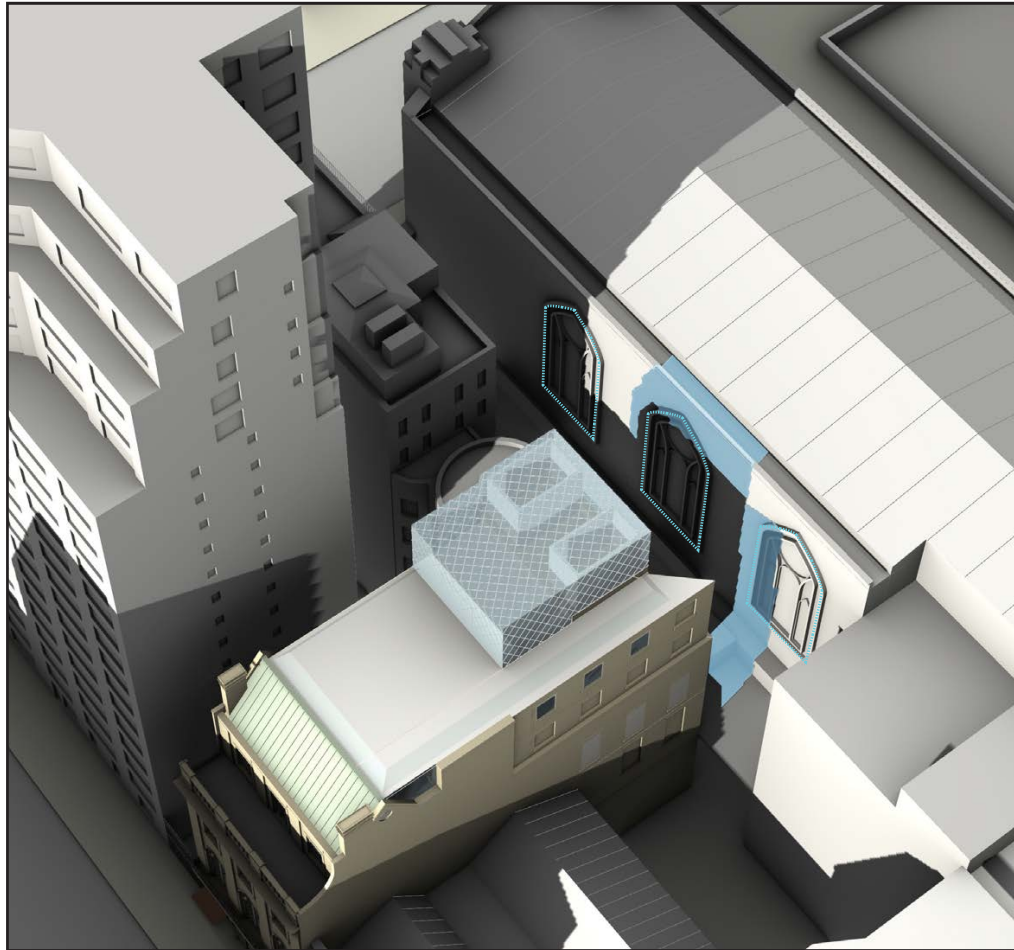
FIGURE 28: TIER 3 SHADOW STUDY

SOURCE: RAFAEL VIÑOLY ARCHITECTS, 2020

BFJ Planning

Detailed Shadow Study

- Incremental Shadow
- Existing Shadows
- Stained Glass Windows



December 21, 1:00 PM

Approximately 10 percent incremental shadow.



December 21, 2:00 PM

Approximately 5 percent incremental shadow.

Note: These figures only show the shadow diagrams for hours when the incremental shadow that would be cast by the proposed building expansion would reach the stained glass windows at the Church of the Heavenly Rest. Shadows are shown in approximately one-hour increments. Daylight savings time is not used per guidance in the *CEQR Technical Manual*.

3 E. 89 STREET

ENVIRONMENTAL ASSESSMENT STATEMENT

FIGURE 29: TIER 3 SHADOW STUDY

SOURCE: RAFAEL VIÑOLY ARCHITECTS, 2020

BFJ Planning

The stained glass windows that would receive marginal shadow coverage by the proposed project are located on the southern side of the church building. There are three large stained glass windows that are roughly rectangular in shape, coming to a peak in a gothic-like style that is commonly found on stained glass windows. The narrow side of the window is closest to the ground, and the long sides extend towards the sky. Each of the three large stained glass windows has smaller panels within the larger panel. The stained glass windows are currently affected by the shadows cast by neighboring buildings.

June 21

The June 21 analysis day shows that the proposed building expansion would not cast any incremental shadow on the stained glass windows.

August 6

The August 6 analysis day shows that the proposed building expansion would cast an incremental shadow that would cover approximately 5 percent of the stained glass windows during the 2:00 PM hour. The westernmost and middle windows are completely covered during this time frame by existing buildings. The incremental shadow cast by the building expansion would only reach the bottom portion of the easternmost window, and roughly half of that window would still receive sunlight during the 2:00 PM hour.

September 21

The September 21 analysis day shows the incremental shadow would reach the bottom of the westernmost and middle stained glass windows starting at 11:00 AM before moving up the building wall and reaching the central and easternmost windows during the 12:00, 1:00, and 2:00 PM hours. The stained glass windows are completely covered by shadows cast from other buildings in the 8:00 AM and 9:00 AM hours, and again during the 3:00, 4:00, 5:00 and 6:00 PM hours. The incremental shadows would reach an additional approximately 5 percent of the windows during the 11:00 AM hour, 10 percent during the 12:00 PM hour, and 20 percent during the 1:00 PM and 2:00 PM hours. Shadows from existing buildings cover 75 percent of the windows during the 2:00 PM hour; the incremental 20 percent of coverage during the 2:00 PM hour would result in 95 percent of the windows being covered. The incremental shadows would not result in the windows being completely covered during any analysis hours.

December 21

The December 21 analysis day shows that the incremental shadow would move across the stained glass windows from west to east during the 10:00 AM and 11:00 AM hours, and the 12:00 PM, 1:00 PM, and 2:00 PM hours. The incremental shadow reaches the middle window during the 10:00 AM hour, then reaches both the westernmost and middle windows during the 11:00 AM and 12:00 PM hours. The incremental shadow would reach the middle and easternmost windows during the 1:00 PM hour and only the easternmost window during the 2:00 PM hour. The incremental shadow would be largest during the 11:00 AM hour, where it shadows an additional approximately 20 percent of the windows that are already roughly 70 percent covered by shadows cast from other buildings. The incremental shadow would cover approximately 5 percent of the windows during the 10:00 AM and 2:00 PM hours when approximately 85 percent of the stained glass windows are covered by shadows cast by neighboring buildings. The stained

glass windows would therefore be approximately 90 percent covered by shadows during the 10:00 AM, 11:00 AM, and 2:00 PM hours. Existing buildings cast shadows that completely cover the windows during the 8:00 AM and 9:00 AM, and 3:00 PM and 4:00 PM hours. The incremental shadows would not result in the three stained glass windows being completely covered during any analysis hour.

Conclusions

The Detailed Shadow Analysis showed that the proposed building expansion would create incremental shadows that would be cast on the stained glass windows of the Church of the Heavenly Rest. The shadows would reach portions of the stained glass windows on December 21, March 21, and September 21. The incremental shadows would cover a maximum of 20 percent of the three windows during a limited duration, and would not result in the windows being completely covered during any analysis hour. No other sunlight sensitive resources would be impacted by shadows cast by the proposed building expansion that would be facilitated by the Proposed Action.

Church of the Heavenly Rest Stained Glass Windows

The incremental increase in shadows that would reach the stained glass windows on the southern side of the Church of the Heavenly Rest would not result in a significant adverse shadow impact. The incremental shadow would move throughout the day, and it would never fully-cover the stained glass windows. The incremental shadows would not reach the stained glass windows during summer months (June 21 analysis day), and are minor compared to shadows cast by other neighboring buildings during other times of the year. The incremental increase in shadows cast by the proposed project would also not reach the stained glass windows on the northern or western sides of the church, which are more visible from the pedestrian realm. Due to the limited extent of the incremental increase in shadows cast by the proposed project, and the kinetic movement of the shadows across the windows throughout the day, the proposed development would not cast shadows that result in a significant adverse shadow impact to the stained glass windows at the Church of the Heavenly Rest.

ATTACHMENT B-3: HISTORIC AND CULTURAL RESOURCES

3.1 Introduction

This section assesses the potential for the Proposed Action to affect historic resources. Historic resources include both archaeological and architectural resources. Architectural resources generally include historically important buildings, structures, objects, sites, and districts. They may include bridges, canals, piers, wharves, and railroad transfer bridges that may be wholly or partially visible above ground. Archaeological resources are physical remains, usually subsurface, of the prehistoric, Native American, and historic periods—such as burials, foundations, artifacts, wells, and privies. As a general rule, archaeological resources do not include 20th and 21st Century artifacts.

The study area for archaeological resources is the Development Site, which is the area that could be disturbed by the project's construction. To evaluate potential effects due to on-site construction activities, and also to account for visual or contextual impacts, the study area for architectural resources generally consist of an area defined by the radius of 400 feet from the borders of the Combined Zoning Lot (see Figure 4: Land Use Map).

According to the *CEQR Technical Manual*, the following are always considered historical and cultural resources:

- Designated New York City Landmarks, Interior Landmarks, Scenic Landmarks, and properties within designated New York City Historic Districts.
- Resources calendared for consideration as one of the above by Landmarks Preservation Commission.
- Resources listed on, or formally determined eligible for inclusion on, the State and/or National Register of Historic Places (S/NR), or contained within a district listed on, or formally determined eligible for listing on, the State and/or National Register of Historic Places.
- Resources recommended by the New York State Board for listing on the State and/or National Registers of Historic Places.
- National Historic Landmarks.
- Resources not identified by one of the programs listed above, but that meet their eligibility requirements.

3.2 Methodology

Architectural Resources

According to *CEQR Technical Manual*, impacts on historic resources are considered on those sites affected by the Proposed Action and in the area surrounding identified development sites. The historic resources study area is therefore defined as the Development Site plus an approximately 400-foot radius around the Combined Zoning Lot.

Archaeological Resources

Unlike the architectural evaluation of a study area that extends beyond the footprint of a project's block and lot lines, the analysis of potential and/or projected impacts to archaeological resources is controlled by the actual footprint of the limits of soil disturbance. Archeological resources are physical remains, usually subsurface, of the prehistoric and historic periods such as burials, foundations, artifacts, wells, and privies. The *CEQR Technical Manual* requires a detailed evaluation of a project's potential effect on the archeological resources if it would potentially result in an in-ground disturbance to an area not previously excavated.

The Development Site has been identified as having sensitivity for archeological resources as defined and mapped by New York's State Historic Preservation Office (SHPO) but it has previously been disturbed. The current townhouse building located on the Development Site was constructed in 1914. The building footprint was expanded in 1942 and 1955 to its current footprint. The building cellar is at least 9.92 feet deep and occupies the footprint of the entire lot. The only ground disturbance that would occur as facilitated by the Proposed Action would be the excavation of a new elevator pit for the installation of a modern elevator that would comply with NYC building codes. The area of temporary ground disturbance would be 76.9 square feet and the area of permanent disturbance would be approximately 46.9 square feet. The maximum excavation depth would be approximately six feet deep at the sump pit within the elevator pit. LPC correspondence dated May 12, 2020 indicated that the Development Site does not have any archaeological significance (see Appendix A). Therefore, an assessment of archaeological resources is not warranted.

3.3 Assessment

3.3.1 Existing Conditions

Combined Zoning Lot

Development Site – 3 E. 89th Street (Block 1501, Lot 5)

The original five-story building was designed by architect Ogden Codman and constructed at 3 E. 89th Street in 1913-1915 as an addition to the townhouse located at 1083 Fifth Avenue, both of which were owned by Archer M. Huntington. In its original design, the kitchen and support space were located on the first floor, a salon and dining room were on the second floor, and bedrooms were located on the upper floors. A copper-clad mansard roof studio was added in 1926, and a fire stair was added to the eastern

side of the building in 1942. In 1955, a rear and side addition was added to the first floor. This townhouse and its other connected buildings were donated to the National Academy of Design in 1941.¹

1083 Fifth Avenue (Block 1501, Lot 4)

The six-story townhouse at 1083 Fifth Avenue was first constructed in 1901-1902 as part of a row of three townhouses that so included 1081 and 1082 Fifth Avenue. The original Beaux-Arts style building was designed by Turner & Kilian, but only 13 years later in 1913-1915, the building was remodeled and enlarged with the construction of an addition at 3 E. 89th Street. The new design by architect Ogden Codman removed the brick and stone façade and replaced it with a limestone façade. The longtime owner and resident of the house was Archer M. Huntington, an author and founder of the Hispanic Society of America. Mr. Huntington donated the building and three neighboring properties to the National Academy of Design in 1941. The Academy used the buildings for its school beginning in 1950².

5-7 E. 89th Street (Block 1501, Lot 7)

The two-story building located at 5-7 E. 89th Street was designed by architect William Platt and was constructed in 1958-1959. It was designed to be part of 3 E. 89th Street for use by the National Academy of Design. The building has a modern façade made of granite, limestone, and different shades of brick. The ground-floor has windows facing E. 89th Street, and the upper floor is a textured wall of brick.

Previous to the construction of this current building, the National Academy used Lot 7 for surface parking, and before that, it was home to two townhouses. The 1940 NYC Department of Finance photos show the westernmost townhouse on was four stories tall with a large bay window located on the second and third floors. The eastern townhouse on Lot 7 was five stories tall.³

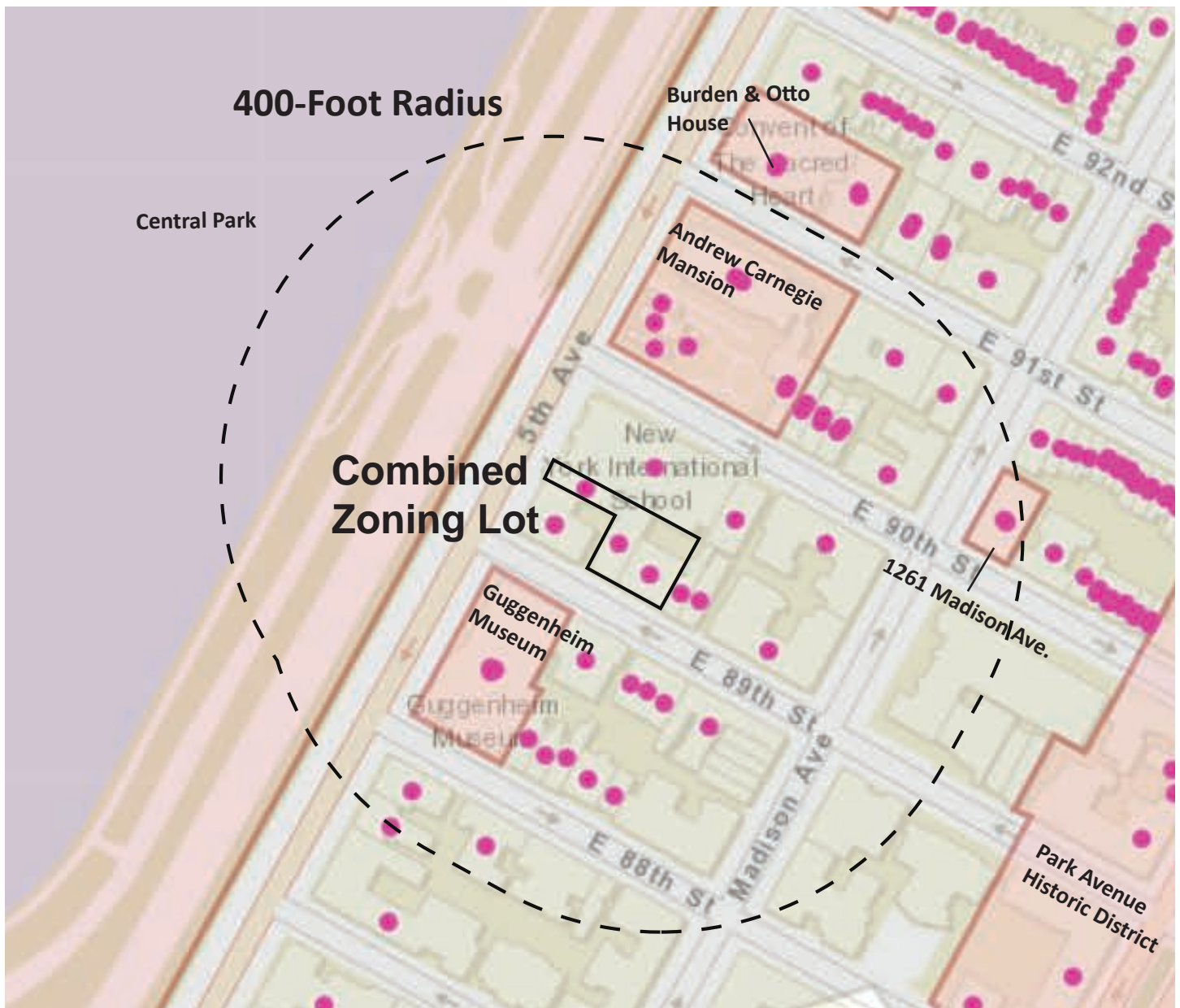
Study Area

Many of the buildings located within the 400-foot study area are located within the Expanded Carnegie Hill Historic District. Figure 30 shows the study area, and identifies the three buildings within the study area that are located on the National Register of Historic Places: The Guggenheim Museum, Andrew Carnegie Mansion, and the apartments at 1261 Madison Avenue.

¹ Sources: Expanded Carnegie Hill Historic District. New York City Landmarks Preservation Commission; Applicant.

² Source: Expanded Carnegie Hill Historic District. New York City Landmarks Preservation Commission.

³ Source: Expanded Carnegie Hill Historic District. New York City Landmarks Preservation Commission. NYC Department of Finance 1940s Tax Photos.



Extended Carnegie Hill Historic District

The Extended Carnegie Hill Historic District was designated in 1993 by the New York City Landmarks Preservation Commission as an expansion of the Carnegie Hill Historic District which was designated in 1974. The district is irregularly shaped, but generally covers parcels along Fifth Avenue between E. 86th Street north to midway between E. 98th Street and E. 99th Street. From the western boundary of Fifth Avenue, the district moves east to include buildings between Fifth Avenue and Madison Avenue north of E. 96th Street and south of E. 90th Street. The boundary is irregular between E. 96th Street and E. 90th Street but covers the entire block between Fifth Avenue and Madison Avenue, and portions of the blocks between Madison Avenue and Lexington Avenue.

Buildings in the Expanded Carnegie Hill Historic District are mostly residential and were constructed between 1870 and 1930. Building types include homes with brownstone and brick façades, townhouses and mansions, row houses, and apartment houses. They are designed in varying styles including neo-Classical, neo-Federal, Beaux-Arts, neo-Georgian, and neo-Renaissance. The varying architectural styles create interesting streetscapes with multifamily buildings and single-family townhomes or mansions complementing each other. The eastern portion of the historic district began to be developed for middle-class families beginning in the 1850s, and Andrew Carnegie's purchase of land fronting Fifth Avenue between E. 90th Street and E. 91st Street added to the area's desirability for the wealthy and gave the neighborhood its name.

Guggenheim Museum – 1070 Fifth Avenue

NR Number: 04NR05402

The Guggenheim Museum was constructed in 1956-1959 and has an internationally famous design created by Frank Lloyd Wright. The building is one of New York's most important buildings and has a recognizable spiral design. The Guggenheim Museum is located directly across E. 89th Street from the Development Site, which is approximately 50 feet. The building was commissioned by the philanthropist Solomon R. Guggenheim, and houses modern, impressionist, and contemporary art. The building was designed to reflect the shapes and nature found across Fifth Avenue in Central Park and stands out in contrast to the sharp angles of the city's grid. The museum is made of concrete and structural steel and is painted an ivory-white color. The interior of the building is defined by the museum's open atrium and ramp that allows visitors to view paintings as they walk up to each floor and gallery. The building was renovated and expanded in 1992 when an additional tower was constructed, and again from 2005 to 2008.⁴

Andrew Carnegie Mansion (Cooper Hewitt Smithsonian Design Museum) – 1095 Fifth Avenue

NR Number: 90NR00908

The Andrew Carnegie Mansion was constructed in 1899-1903 and was designed by the firm Babb, Cook & Willard as a retirement home for Andrew and Louise Carnegie. The house is freestanding on a parcel that

⁴ Sources: Expanded Carnegie Hill Historic District. New York City Landmarks Preservation Commission. Building Structure Inventory Form No. 06101-008546 (Guggenheim Museum), NYSOPRHP.

fronts Fifth Avenue between E. 91st and E. 92nd Street and is located approximately 160 feet north of the Development Site, across E. 90th Street from the Church of the Heavenly Rest. The building is in the neo-Georgian and beaux-Arts style and has a brick and limestone façade. The building is four stories tall and has a prominent roof. The main entrance of the building faces E. 91st Street, and the rear of the building features a terrace and a fenced-in garden that fronts E. 90th Street. The building was sold to the Smithsonian Institution in 1972 to be used as the Cooper-Hewitt Smithsonian Design Museum, which is currently operating in the building.⁵

1261 Madison Avenue Apartment House

NR Number: 90NR00886

The 1261 Madison Avenue Apartment House was constructed in 1900-1901 and was designed in the Beaux-Arts style by Buchman & Fox. The building is located on the northeast corner of the intersection of Madison Avenue and E. 90th Street and has frontages on both streets. The 1261 Madison Avenue Apartment House is located approximately 400 feet east of the Development Site. The building is seven stories tall and is constructed with a limestone façade. The entrance facing Madison Avenue features two-story rustication and curved ornamentation over the entrance. The sixth story features a balcony with iron railings, and the seventh story has a copper-detailed mansard roof.⁶

3.3.2 Future without the Proposed Action (No-Action Condition)

Combined Zoning Lot

In the future without the Proposed Action (No-Action Condition), the Development Site would not be enlarged and would remain a noncommercial art gallery. No other construction would occur on the Combined Zoning Lot, and therefore no impacts would occur.

Study Area

No construction is proposed under the No-Action Condition and therefore, no impacts would occur.

3.3.3 Future with the Proposed Action (With-Action Condition)

Development Site

As discussed in Attachment A-1: Project Description, the Proposed Action (With-Action Condition) includes a special permit pursuant to ZR Section 74-711 (Landmark Preservation in all Districts) to waive the use, rear yard, and height regulations that apply to the Development Site. This special permit would facilitate a two-phase project which would change of use from a Use Group 3 nonprofit art gallery to a Use Group 6 commercial art gallery in the first phase and would allow the rear, side, and vertical enlargement of the building and change floors four, five, and six from a Use Group 6 commercial art gallery

⁵ Sources: Expanded Carnegie Hill Historic District. New York City Landmarks Preservation Commission. Building Structure Inventory Form No. 061-01-0266 (Andrew Carnegie Mansion), NYSOPRHP.

⁶ Sources: Expanded Carnegie Hill Historic District. New York City Landmarks Preservation Commission.

to a Use Group 2 single-family residence. The proposed enlargement would add 5,638 gsf of gallery and residential space resulting in a 23,281 gsf building. The building expansion would increase the height by 14 feet, 11 inches which would increase the roof height to 93 feet, 10.5 inches.

The Development Site is located within the Expanded Carnegie Hill Historic District and as part of the special permit application process, the Applicant requested a Certificate of Appropriateness from the LPC for the rear and side enlargements, rooftop addition, and introduction of a new awning at the building entry. The Applicant also applied for the approval of a Restoration and Maintenance Plan from the LPC for the restoration of the building façade and the adoption of the cyclical maintenance plan. The Applicant is has undertaken as-of-right interior renovations to facilitate the conversion of the building from a Use Group 3 nonprofit art gallery to a Use Group 6 commercial art gallery in Phase 1 of the proposed project.

The Applicant submitted a letter dated April 8, 2020, to the LPC requested a review of the Development Site and the surrounding area for potential architectural or archaeological resources (see Appendix A). The LPC stated that the area has no archaeological significance, but that the Development Site was within Designated Historic District and is eligible for the State and National Register of Historic Places; therefore the proposed project must proceed according to the LPC Landmarks law. The Applicant presented the proposed building restoration, conversion, and enlargement to the LPC in 2019 and 2020. The LPC issued a Status Update Letter dated July 10, 2020, which states that the Commission voted to approve the proposed project on June 30, 2020 (LPC Project No: LPC-20-1118, see Appendix A).

Building Expansion

The proposed enlargement of the Development Site follows three other enlargements that have occurred since the building's construction in 1913-1915. The building was first constructed as a five-story wing of 1083 Fifth Avenue. A mansard roof studio was added to the fifth floor in 1926, and a fire stair was added to the eastern side of the building in 1942. The most recent enlargement was a first-floor rear and side addition which was constructed in 1955. The building is proposed to be enlarged into the side and rear yard behind the fire stair to match the footprint of the first floor. This enlargement would be used to integrate necessary infrastructure for the support of the art gallery, including a code-compliant elevator, mechanical systems, toilets, office space, and storage.

Façade Restoration

The proposed façade restoration includes restoring the historic masonry opening at the porte-cochere and restoring its historic configuration, and removing graffiti and soiling from the granite water table on the first floor of the façade. The limestone cornice between the first and second floors will also be cleaned from staining and biological growth that has occurred, and the historic iron railing on the cornice will be repaired and missing detailing will be recreated. The second-floor windows and their limestone window surrounds will be cleaned, as will the façade's brick masonry. The windows on the third floor will be replaced to match the historic condition, and the historic windows on the fourth floor that are currently bricked over will be reopened. The fourth floor balustrade and cornice will be cleaned and the abandoned embedded steel will be removed above the fourth-floor windows, and the limestone window surrounds will be repaired. Lastly, the copper mansard will be repaired and restored.

The building's western façade will also be restored. Deteriorated stucco on the first floor will be removed and replaced along with deteriorated face bricks. The limestone band between the first and second floors will be cleaned, and poorly matched face brick on the second floor will be replaced. The brick masonry will be cleaned, HVAC grills on the fourth floor will be removed, and the deteriorating metal railing on the fourth floor balcony will be removed and replaced. Face brick will be replaced with brick that matches the adjacent brick at the previous building connection at the rear of the building, and the limestone band between the fourth and fifth floors will be cleaned and restored.

The proposed enlargement at the Development Site will result in changes to the existing building, however, these changes will include improving the condition of the historic façade, and restoring portions of the façade to its original design. The Proposed Action would also facilitate a portion of its use as a Use Group 6 commercial art gallery, which would allow the Applicant to generate the income necessary to maintain this historic building for years to come.

Remainder of Combined Zoning Lot (Lots 4 and 7)

Although the special permit that is part of the Proposed Action would apply to the entire zoning lot, the only construction that would be included under the special permit is that which would occur at the Development Site. Any alterations that would occur to 1083 Fifth Avenue or 5-7 E. 89th Street would require a separate special permit. Since no construction is being proposed beyond the work currently underway on 1083 Fifth Avenue pursuant to DOB Job No. 123539652 or 5-7 E. 89th Street, no direct impacts would occur.

Study Area

There are three National-Register listed buildings located within the 400-foot study area: the Guggenheim Museum, the Andrew Carnegie Mansion, and 1261 Madison Avenue Apartment House. The Guggenheim Museum is located across E. 89th Street from the Development Site, a distance of approximately 50 feet. The Andrew Carnegie Mansion is approximately 160 feet north of the Development Site, and the 1261 Madison Avenue Apartment House is approximately 400 feet east. Any construction activities within 90 feet of a historic resource are required to comply with regulatory mechanisms that address concerns regarding vibrations associated with construction. As the Guggenheim Museum is located within 90 feet, the potential for physical disturbance would be disclosed and the project would be required to comply with the New York City Department of Buildings (DOB) Technical Policy and Procedure Notice (TPPN) #10/88. TPPN #10/88 supplements the standard building protections afforded by Building Code C26-112.4 by requiring a monitoring program to reduce the likelihood of construction damage to the historic resource and to detect, at an early state, the beginning of damage so that construction procedures may be changed. Due to the building protections afforded by TPPN #10/88 and the distance between the Development Site and the other National-Register listed resources, no impacts are anticipated and no additional analysis is warranted.

Conclusion

Based on the above analysis, the Proposed Action would not have a significant adverse impact on architectural or archaeological resources; no additional analysis is warranted.

ATTACHMENT B-4: URBAN DESIGN AND VISUAL RESOURCES

4.1 Introduction

This section assesses the potential for the Proposed Action to affect the pedestrian experience in the vicinity of the Development Site. An urban design and visual resources analysis focuses on the arrangement, appearance, and functionality of the built environment. A preliminary assessment is appropriate when there is the potential for a pedestrian to observe a physical alteration beyond what is allowed by the existing zoning. This includes:

- Projects that permit the modification of yard, height, and setback requirements;
- Projects that result in an increase in built floor area beyond what would be allowed 'as-of-right' or in the future without the proposed project.

The Proposed Action would facilitate the expansion of the second and third floors into the rear yard above the existing first floor, the expansion of the second through fourth floors into the eastern side yard above the existing first floor footprint, the expansion of the fifth floor behind the existing copper-clad mansard, and the creation of a new sixth floor. The Proposed Action would also facilitate the conversion of floors one through three to a Use Group 6 commercial art gallery, and floors four through six to a single Use Group 2 residential unit. Due to the modification of the rear yard, height, and use requirements, a preliminary assessment for urban design and visual resources is appropriate.

4.2 Methodology

According to the *CEQR Technical Manual*, preliminary assessments of urban design and visual resources include descriptions of the project area, an aerial map, ground-level photographs of the site area, building heights, any view corridors, and zoning and floor area calculations. The Proposed Action would facilitate the rear, side, and vertical enlargement of the Development Site, which is analyzed herein.

As discussed in the *CEQR Technical Manual*, the study area for this preliminary assessment is the area where the Proposed Action may influence land use patterns and the built environment. The proposed use change and enlargement would occur at the Development Site, 3 E. 89th Street (Block 1501, Lot 5), and therefore the analysis focuses on streetscapes of the surrounding streets and the view of the Development Site from those streets.

4.3 Assessment

4.3.1 Existing Conditions

The Development Site is split between two zoning districts: R10 (Special Park Improvement District [PI]) on the western half of the tax lot and R8B on the eastern part of the tax lot. The R10 (PI) district allows an FAR of 10.0, does not permit any FAR bonuses, and limits height to 210 feet or 19 stories, whichever is

shorter. The R10 (PI) district also mandates street wall continuity along Fifth Avenue by requiring buildings that front the street to rise without setback for the first 125 feet of the building's height, or the total height of the building if it is less than 125 feet tall. Buildings must be set back 10 feet from the street line start starting at 150 feet above the curb level. Front wall recesses are permitted within the street wall for architectural or decorative purposes, however, they are limited to six feet in depth and cannot be more than half of the length of the building's front wall. Buildings in the R10 (PI) district are permitted to have 100 percent lot coverage.

R8B districts have a maximum FAR of 4.0, and a maximum building height of 75 feet. Lots in the R8B district must have a minimum rear yard of 30 feet, and a maximum lot coverage of 70 percent unless located on a corner where a building could cover 100 percent of the lot. Buildings within the R8B district must have a base height between 55 feet and 65 feet.

The building expansion facilitated by the Proposed Action has the potential to be seen from the sidewalks on E. 89th Street, Fifth Avenue, and in Central Park within the vicinity of the Development Site. The Development Site fronts E. 89th Street, which is a narrow side street with one travel lane with on-street parking and sidewalks on both sides of the street. Fifth Avenue is a wide street with three travel lanes and on-street parking on the eastern side of the street. Sidewalks on both sides of Fifth Avenue are wide, and the western side features large street trees on the eastern side of the sidewalk and Central Park on the western side. Within Central Park, pedestrians can walk along East Drive, the bridle path, and the running track and promenade around the Onassis Reservoir.

The pedestrian realm near the Development Site includes awnings protruding from the entrances of apartment buildings, ornate stairways and building entrances, and the striking designs of nearby institutions including the Guggenheim Museum, the Church of the Heavenly Rest, and St. David's School. Buildings located along E. 89th Street and Fifth Avenue vary in size but tend to be either 5 to 6 story townhomes, large apartment buildings (1080 Fifth Avenue is 21 stories), or notable institutional uses. The proposed enlargement would be obscured to pedestrians by the bulk and height of nearby buildings, sidewalk trees, and awnings.

4.3.2 Future without the Proposed Action (No-Action Condition)

Under the No-Action Condition, the Development Site would remain a five-story nonprofit art gallery, and would not be enlarged. As no new construction would occur at the Development Site and the Combined Zoning Lot under the No-Action Condition, there would be no changes to how the Development Site affects the pedestrian experience.

4.3.3 Future with the Proposed Action (With-Action Condition)

Under the Proposed Action, a 74-711 special permit would facilitate the change of use from a nonprofit art gallery to a Use Group 6 commercial art gallery and a single Use Group 2 residential unit and facilitate the rear, side, and vertical enlargement of the existing building located on the Development Site. The underlying R10 (PI) and R8B districts do not allow Use Group 6 uses as of right, and the special permit is required to enlarge the building since it is located within the Expanded Upper East Side Historic District.

The Proposed Action would facilitate an enlargement of 5,638 gsf of additional space at the Development Site to support the gallery and provide additional residential space. The rear and eastern sides of the building would be expanded above the existing first floor footprint at floors two through four. The fifth floor of the building would be enlarged behind the existing copper-clad mansard and a new sixth floor would be constructed. In the Future with the Proposed Action the first three floors of the proposed building would be operated as a Use Group 6 commercial art gallery and the fourth through sixth floors would be a single Use Group 2 single-family residence.

The massing diagrams on Figures 31 through 34 show the existing building conditions (No-Action Condition) and the proposed building enlargements (With-Action Condition) viewed from five different viewing locations on E. 89th Street, Fifth Avenue, and in Central Park. Views from these locations show that the proposed building enlargement would be visible from the pedestrian realm⁷.

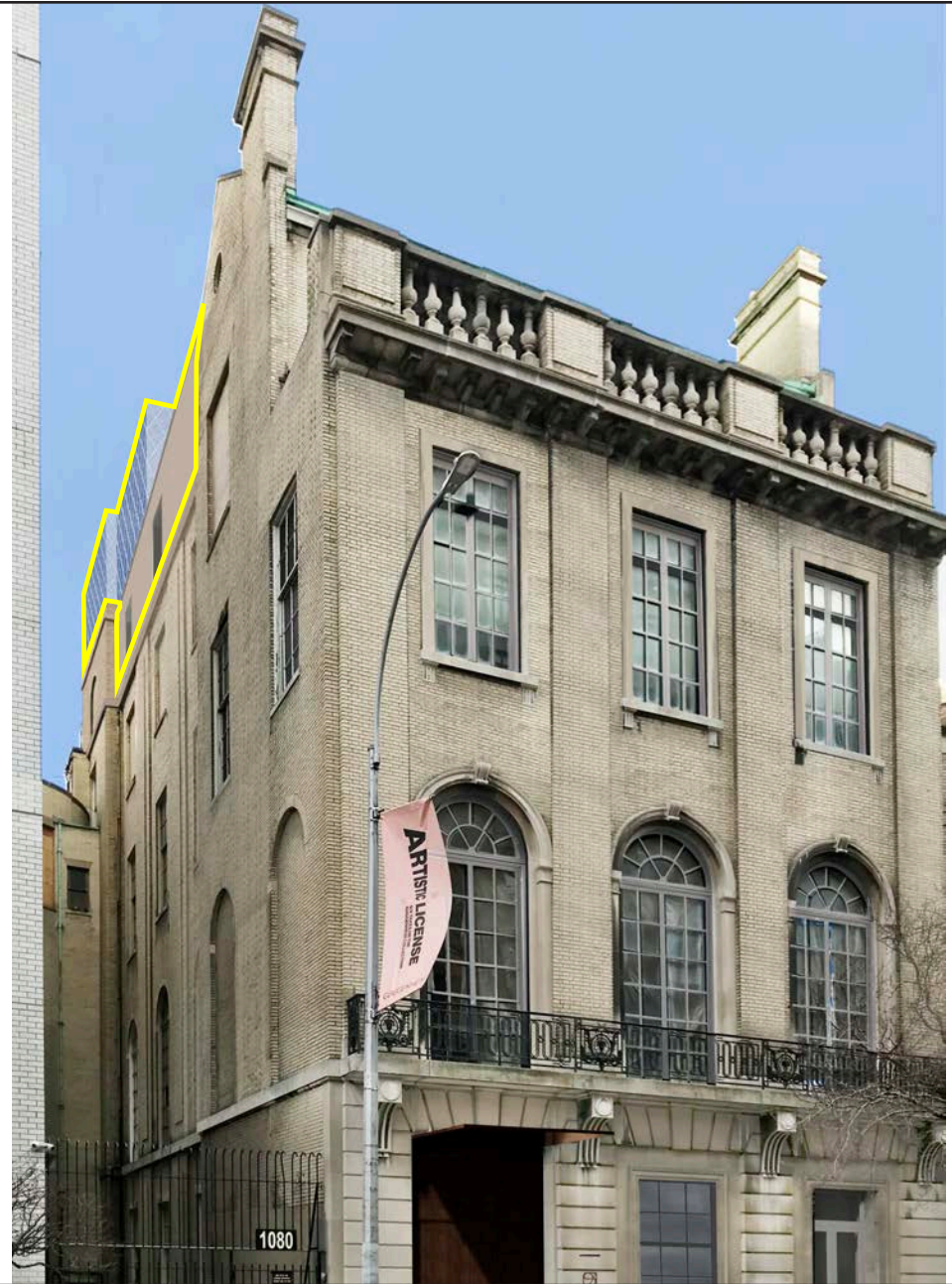
A pedestrian on the sidewalks of E. 89th Street would be able to see the expanded fifth floor and newly constructed sixth floor. The building expansions would also be visible from Fifth Avenue, but as shown on Figure 33 through 34, the expansions would not introduce new heights or bulk that are out of context with the surrounding buildings. The view from the Central Park Reservoir Promenade and Bridle Path would show the largest amount of the expanded building, with the rear of the fourth floor being visible in addition to the fifth and sixth floors. The proposed building expansions would be most visible during winter months when many trees lose their leaves which would otherwise obscure the building.

The proposed fifth floor would be designed and constructed to fit in and complement the existing brick and limestone façade and would be behind the existing copper-clad mansard roof. The proposed sixth floor would be designed as an architectural feature made of glass that would be a contemporary design that also complements the historic townhome. The design of the building expansion would be an attractive addition to the Carnegie Hill neighborhood which is known for historic architecture of buildings like the Cooper Hewitt Museum, and for striking designs like the Guggenheim Museum. The proposed sixth floor expansion is small in size and is set back away from the street, but in the few locations where it could be viewed from the pedestrian realm, it would be a hidden feature that enriches the pedestrian experience with its alluring design.

⁷ The massing diagrams were created for the LPC approvals process which requires a simulation be created from a photo of the building when it had a mock-up of the expansion on the roof. The two photos are therefore different.



View of No-Action Condition from Guggenheim Museum Service Entrance on the south side of E. 89th Street.



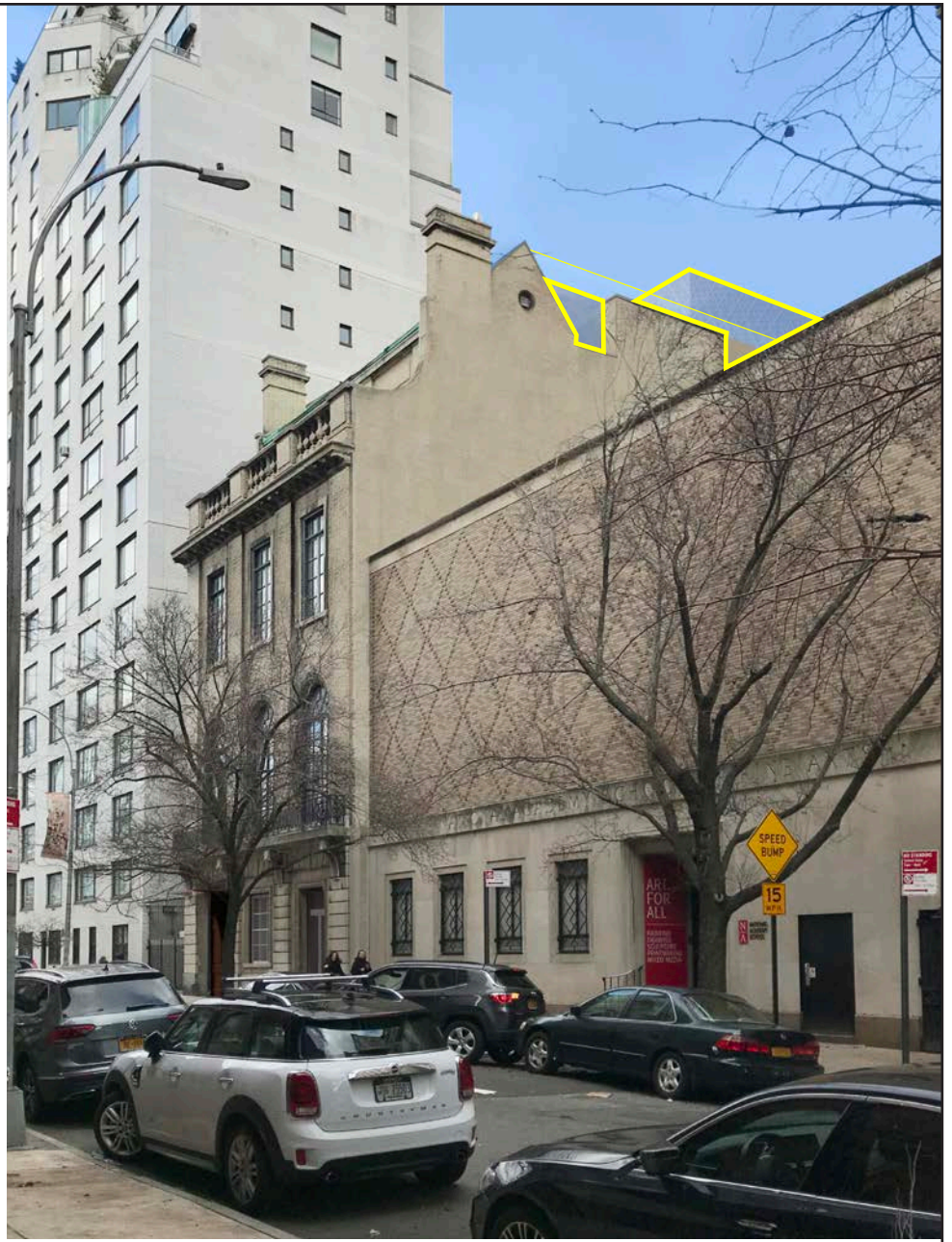
View of With-Action Condition from Guggenheim Museum Service Entrance on the south side of E. 89th Street.

3 E. 89 STREET

FIGURE 31: MASSING DIAGRAM



View of No-Action Condition from the sidewalk west of the St. Davids School entrance.



View of With-Action Condition from the sidewalk west of the St. Davids School entrance.

3 E. 89 STREET

ENVIRONMENTAL ASSESSMENT STATEMENT

FIGURE 32: MASSING DIAGRAM

SOURCE: BFJ PLANNING, RAFAEL VIÑOLY ARCHITECTS, 2020

BFJ Planning



View of No-Action Condition from western sidewalk on Fifth Avenue between 89th Street and 90th Street.



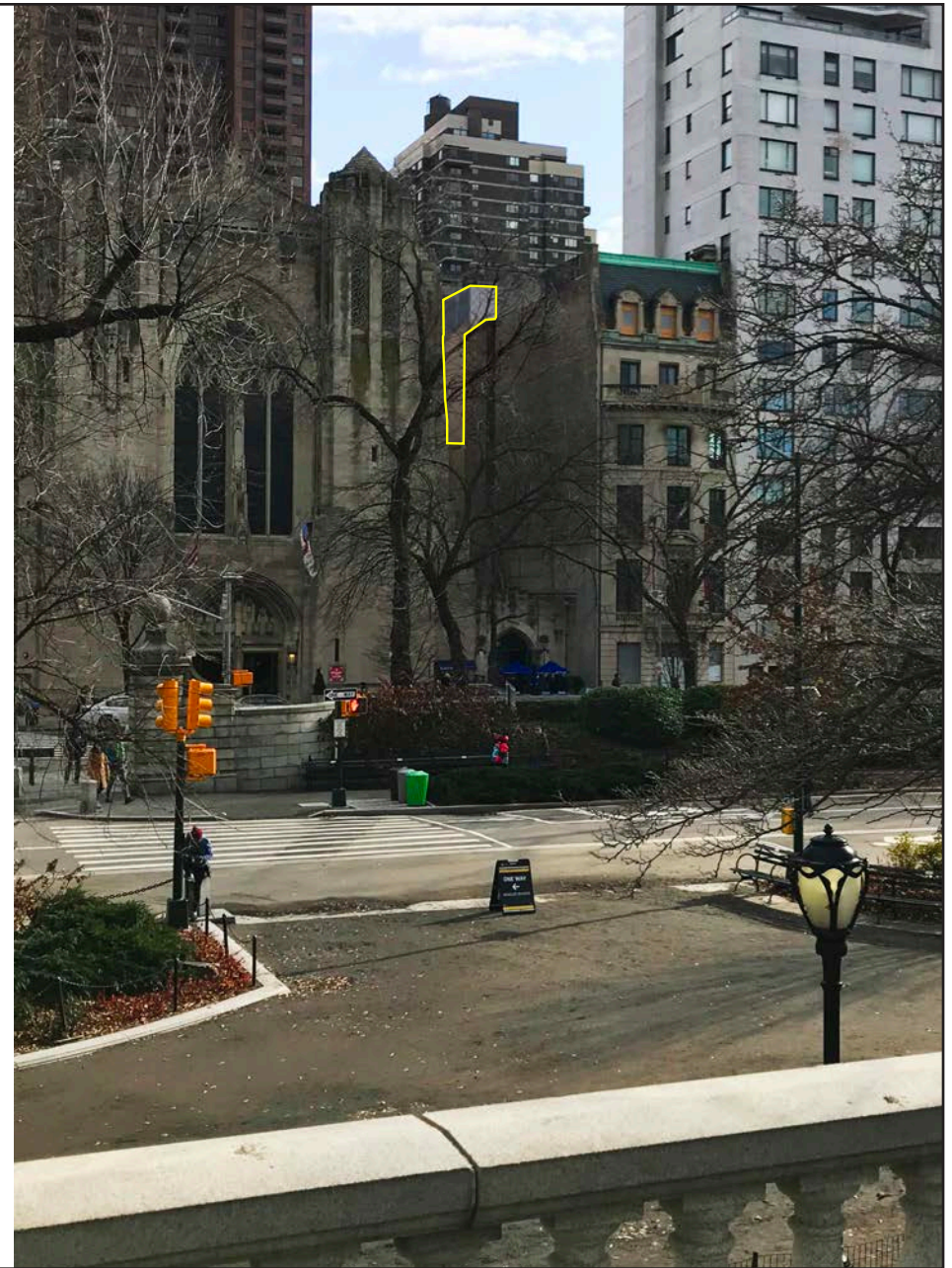
With-Action Condition viewed from western sidewalk on Fifth Avenue between 89th Street and 90th Street.

3 E. 89 STREET

FIGURE 33: MASSING DIAGRAM



View No-Action Condition from the Central Park Reservoir Promenade and Bridle Path.



With-Action Condition viewed from the Central Park Reservoir Promenade and Bridle Path.

3 E. 89 STREET

ENVIRONMENTAL ASSESSMENT STATEMENT

FIGURE 34: MASSING DIAGRAM

SOURCE: RAFAEL VIÑOLY ARCHITECTS, 2020

BFJ Planning

The proposed expansion would result in a building that rises to six stories or 93 feet, 10.5 inches in height. This building height is consistent with other buildings located on the midblock in Carnegie Hill and is much shorter than buildings located on wide streets. The building immediately west of the Development Site (1080 Fifth Avenue; Block 1501, Lot 1) has 21 stories and rises to approximately 227 feet⁸. There are two buildings immediately east of the Combined Zoning Lot at 9 and 11 E. 89th Street that are six stories tall, as is the other townhome on the Combined Zoning Lot located at 1083 Fifth Avenue.

Although Use Group 6 commercial art galleries are not permitted as of right in the R10 (PI) and R8B districts, there are numerous other commercial art galleries and nonprofit galleries and museums in Carnegie Hill and the Upper East Side. Salon 94, which is also owned by the Applicant, is located on 94th Street between Fifth Avenue and Madison Avenue, and the Works Gallery, and Berry Hill Gallery are commercial art galleries in the vicinity of the Development Site. The Development Site is located along Museum Mile, near some of the most notable and important art museums in the world. These include the Guggenheim Museum, Cooper Hewitt Smithsonian Design Museum, Jewish Museum, and the Metropolitan Museum of Art. The proposed project would not only complement these other art institutions by showing and selling art, but the residential portion of the building would also have space to potentially house visiting artists.

The Proposed Action would not result in any changes to the surrounding street grid or pedestrian infrastructure. It would not change any height and bulk regulations, and the building expansion that it would facilitate would fit in with existing building heights on the block and in the surrounding neighborhood. The design of the building enlargement would blend in with the existing historic townhouse. The Proposed Action would not introduce a new land use into the neighborhood, and would not have any impact on the pedestrian experience that is not allowed by zoning that currently exists in the neighborhood. For these reasons, no impacts are anticipated and no additional analysis is warranted.

⁸ Building height was accessed via the New York City Building Footprints shapefile accessed through NYC OpenData.

ATTACHMENT B-5: HAZARDOUS MATERIALS

5.1 Introduction

A hazardous material is any substance that poses a threat to human health or the environment. Substances that can be of concern include, but are not limited to, heavy metals, volatile and semi-volatile organic compounds, methane, polychlorinated biphenyls and hazardous wastes (defined as substances that are chemically reactive, ignitable, corrosive or toxic). According to the *CEQR Technical Manual*, the potential for significant impacts from hazardous materials can occur when: a) hazardous materials exist on a site and b) an action would increase pathways to their exposure, or c) an action would introduce new activities or processes using hazardous materials.

5.2 Phase I Environmental Site Assessment

Environmental Studies Corporation, on behalf of the Applicant, performed a Phase I Environmental Site Assessment (ESA) in conformance with the scope and limitations of ASTM Practice E 1527-13 for the Development Site (3 E. 89th Street, Block 1501, Lot 5), in January 2021.

The purpose of the Phase I ESA was to identify recognized environmental conditions (RECs) on and near the Development Site and records of those areas that may adversely impact the subject property owner or operator under existing federal, state, and local environmental laws, and to recommend further actions necessary to confirm, quantify, or abate those conditions.

The Phase I ESA reports that the Development Site appears to have been used as a residence since it was constructed in 1912-1913 until 1951 when it became part of the National Academy Museum and School. A historic atlas and historic Sanborn maps show the Development Site was undeveloped and vacant from 1879 to 1911.

The Development Site has an in-service above-ground fuel oil storage tank (AST) located in a tank vault in the basement. The 1,080-gallon tank was installed in 2019 and holds fuel oil for the boiler that heats the building. The tank is lifted off the concrete floor with pegs and no staining or leaks were observed around the tank during the site visit.

The Development Site also has an out-of-service underground fuel oil tank (UST) that was abandoned in place. The UST was installed in the 1950s and was professionally closed by a licensed contractor according to regulations from the New York City Fire Department on June 4, 2019. The UST was cleaned of all remaining oil and the tank was filled with concrete. Two soil samples were taken at the time of the tank closure. Volatile organic compounds (VOCs) were not observed in concentrations above the New York State Department of Environmental Conservation (NYSDEC) soil cleanup objectives in either sample. One of the soil samples had low exceedances of semi-volatile organic compounds (SVOCs), however, these exceedances are common in historic urban fill in New York City. Environmental Studies Corporation

conducted a phone interview with the project manager who closed out the UST, and they reported that there was no evidence of spills or leaks, and no petroleum staining or odors was observed.

The Development Site is listed on the NYSDEC Petroleum Bulk Storage database, but it is not listed on any other federal or state databases, including NYSDEC's spill logs database. Environmental Studies Corporation, therefore, states that it is unlikely that the UST had an impact on the Development Site.

The Phase I ESA did not identify any RECs on the Development Site, or any activities on surrounding properties that would impact the Development Site's environmental quality during the field inspection. Additionally, the New York City Department of Environmental Protection issued a letter on March 10, 2021, stating that the department reviewed the proposed project and Phase I ESA report and it has no objection to the proposed project (see Appendix C). Therefore, no additional hazardous materials investigation is warranted.

ATTACHMENT B-6: TRANSPORTATION

6.1 Introduction

The following assessment analyzes transportation impacts to determine the potential for significant adverse impacts to transportation systems. The analysis, consisting primarily of travel demand projections and trip assignments, presented in this attachment was conducted in accordance with the *2020 CEQR Technical Manual*.

6.2 Background

The Proposed Action would facilitate the following two-phase project. In Phase 1, the Applicant would convert floors one through five of the existing building to a Use Group 6 commercial art gallery. Phase 1 also includes as-of-right interior renovations and façade restoration that are permitted under the current Certificate of Occupancy that would facilitate the change of use. The renovation and restoration are complete, except for those portions that would happen during the building expansion. In Phase 2, the Applicant proposes to enlarge the Use Group 6 commercial art gallery at the rear and eastern side of the building above the existing first floor for floors two and three. Additionally, the Applicant proposes to convert floors four and five to a Use Group 2 single-family residential unit, enlarge the unit by expanding the eastern side of the fourth floor above the first floor footprint, and enlarge the fifth floor behind the existing copper-clad mansard. Finally, the Applicant proposes to construct a new sixth floor. The fourth, fifth, and sixth floors would be used together as the single Use Group 2 residential unit.

The building would feature 15,712 gsf of combined gallery space on the first, second, and third floors. The gallery would include gallery space, art storage and handling, accessory offices, and an accessory café with a gift shop. The fourth, fifth, and sixth floors together would provide 7,569 gsf of space for a single residential unit. The building would be expanded from 17,643 gsf presently to 23,281 gsf, which is an increase of 5,638 gsf.

The Development Site is located on E. 89th Street, which is a local street on the Manhattan grid between Fifth Avenue and Madison Avenue, which are minor arterials. Fifth Avenue directs vehicular traffic south towards the 65th Street Traverse across Central Park, and further down to 59th Street, and the Queensboro Bridge. Madison Avenue directs vehicular traffic north to 125th Street which connects to Harlem River Drive and the Triborough Bridge, and to the Madison Avenue Bridge which connects Manhattan to the Bronx. The closest Principal Arterial Expressway is the Franklin D. Roosevelt East River (FDR) Drive, which runs along the east side of Manhattan and connects to the East River bridges and around to the West Side Highway. Trucks are not permitted on E. 89th Street, and the closest local truck routes to E. 89th Street are E 86th Street and E. 96th Street going crosstown, and Lexington Avenue heading south and Third Avenue heading north.

Pedestrians would access the proposed art gallery via the building entrance facing E. 89th Street, and would reach the building via walking from the surrounding neighborhood, bus and rail transit, taxis and for-hire vehicles, and private automobiles. The Development Site is served by the M1, M2, M3, and M4 buses which run along Fifth Avenue and Madison Avenue. The New York City Subway 4, 5, and 6 trains on the Lexington Avenue Line provide access to the Development Site via the 86th Street Station. Local deliveries made to the Development Site would be made to the Development Site via the existing curb cut, driveway, and porte-cochere. No new driveway or building entrance is proposed as part of the Proposed Action.

6.3 Methodology

The *2020 CEQR Technical Manual* recommends a two-tier screening procedure for the preparation of a “preliminary analysis” to determine if more detailed quantified analyses of transportation conditions are warranted. As discussed below, the preliminary analysis begins with a trip generation analysis (Level 1) to estimate the volume of person and vehicle trips attributable to the proposed use change, building enlargement, and the addition of a single residential unit that would be facilitated by the Proposed Action. If the proposed development is expected to result in fewer than 50 peak-hour vehicle trips and fewer than 200 peak-hour transit or pedestrian trips, further quantified analyses are not warranted. When these thresholds are exceeded, detailed trip assignments (Level 2) are performed to estimate the incremental trips at specific transportation elements and to identify potential locations for further analyses. If the vehicle, transit, or pedestrian trip thresholds are exceeded, quantified analyses may be required to address significant adverse impacts on traffic, transit, pedestrians, parking, and vehicular and pedestrian safety.

6.4 Level 1 Screening Assessment

Trip Generation

The following analysis estimates the incremental number of trips generated by the proposed project. The Future No-Action Condition is a 17,643 Use Group 3 nonprofit art gallery, and With-Action Condition is the proposed 15,712 gsf Use Group 6 commercial art gallery with one Use Group 2 residential unit. The first three floors of the Development Site would be used as the commercial art gallery which would have an accessory gift shop and café. The fourth through sixth floors would be used as a single-family residence. The Development Site would be accessed from E. 89th Street through a historic porte cochere that can be accessed through a pre-existing curb cut. The residence would be accessed through the art gallery.

Table 6.4-1 shows the transportation demand factors used to determine the trip generation for the nonprofit art gallery, commercial art gallery, and single-family residential uses.

Future No-Action Condition

- **Nonprofit Art Gallery:** Person trip generation rates and temporal distribution were estimated using rates for museum uses listed in Table 16-2 of the *2020 CEQR Technical Manual*. The use of museum rates was directed by NYCDOT. The person trip modal split percentages were obtained from the Hudson River Park Pier 57 FEIS, along with truck trip generation, truck temporal generation, and truck in/out split percentages. Person in/out splits percentages were provided by the New York City Department of City Planning (NYC DCP) in an email on October 21, 2021 (see Appendix D).

With-Action Condition

- **Commercial Art Gallery:** Person trip generation rates and temporal distribution was estimated using rates for museum uses listed in Table 16-2 of the *2020 CEQR Technical Manual*. The use of museum rates was directed by NYCDOT. The person trip modal split percentages were obtained from the Hudson River Park Pier 57 FEIS, along with truck trip generation, truck temporal generation, and truck in/out split percentages. Person in/out splits percentages were provided by the NYC DCP in an email on October 21, 2021.
- **Single-Family Residence:** Person trip generation rates and temporal distribution, and truck generation rates and temporal distribution were estimated using rates for residential uses with two floors or less listed in Table 16-2 of the *2020 CEQR Technical Manual*. The rates for residential with two floors or less were used instead of three floors because the residential portion of the building is a single unit, even though it occupies three floors. The person trip generation rates for residential with two floors or less are also higher than those with three floors or more, so this represents a more conservative analysis. Person trip modal split percentages and vehicle occupancy rates were estimated using commuting characteristics in Manhattan Census Tracts 148.01, 148.02, 150.01, 150.02, 158.01, and 160.01 using the 2015-2019 5-Year American Community Survey. Person trip in/out ratios were estimated using the 2017 East Harlem Rezoning FEIS.

Table 6.4-1: Trip Generation Factors

LAND USE		Future No-Action Condition		With-Action Condition			
		Nonprofit Gallery (UG 3)		Commercial Gallery (UG 6)		Residence	
Use Unit		1000 SF		1000 SF		DU	
Size		17.6		15.7		1.0	
Person Trip Generation	Weekday	27	(1)	27	(1)	12.6	(1)
	Saturday	20.6		20.6		13.7	
Person Trip Temporal Distribution	Wkday AM	1.0%	(1)	1.0%	(1)	10.0%	(1)
	Wkday MD	16.0%		16.0%		5.0%	
	Wkday PM	13.0%		13.0%		11.0%	
	Sat MD	17.0%		17.0%		8.0%	
Person Trip Modal Split (%)	Auto	19.5%	(2)	19.5%	(2)	10.8%	(3)
	Taxi	10.0%		10.0%		8.4%	
	Subway	33.0%		33.0%		55.5%	
	Bus	7.0%		7.0%		7.9%	
	Walk	30.5%		30.5%		17.4%	
Person Trip In/Out Splits %		In	Out	In	Out	In	Out
	AM	50%	50%	50%	50%	16%	84%
	MD	63%	37%	63%	37%	50%	50%
	PM	52%	48%	52%	48%	67%	33%
	Sat MD	50%	50%	50%	50%	53%	47%
Vehicle Occupancy	Auto	2.67	(2)	2.67	(2)	1.18	(3)
	Taxi	2.08		2.08		1.18	
Truck Trip Generation	Weekday	0.05	(2)	0.05	(2)	0.06	(1)
	Saturday	0		0		0.02	
Truck Trip Temporal Distribution	AM	11.0%	(2)	11.0%	(2)	12.0%	(1)
	MD	1.0%		1.0%		9.0%	
	PM	0.0%		0.0%		2.0%	
	Sat MD	1.0%		1.0%		9.0%	
Truck Trip In/Out Splits %		In	Out	In	Out	In	Out
	AM	50%	50%	50%	50%	50%	50%
	MD	50%	50%	50%	50%	50%	50%
	PM	50%	50%	50%	50%	50%	50%
	Sat MD	50%	50%	50%	50%	50%	50%

Source: (1) CEQR Technical Manual, Table 16-2; (2) Hudson River Park Pier 57 FEIS, Transportation Appendix C, Table 1; (3) 2015-2019 American Community Survey, US Census

Tables 6.4-2 and 6.4-3 show the travel demand forecast for person and vehicle trips for the Future No-Action Condition and the Future With-Action Condition. The traffic generated is expected to be highest during the PM peak hour during the week and the Mid-day peak hour on Saturday for the nonprofit art gallery and the proposed commercial art gallery. Person trips are expected to be equally low during all peak hours for the single residential unit.

Under the Future No-Action condition, the Use Group 3 nonprofit art gallery would generate a maximum of 76 person trips (Mid-day peak hour), and 8 vehicle trips (PM and Saturday MD peak hour). Under the Future With-Action Condition, the proposed commercial art gallery would generate a maximum of 68 person trips (Mid-day peak hour), and 7 vehicle trips (PM peak hour); the single-family residence would generate 1 person trip during the AM and PM peak hour and would not generate any vehicle trips. The maximum peak-hour trips generated under the Future With-Action Condition would be 68 person trips during the Mid-day peak hour (68 person trips from the Use Group 6 commercial gallery, 0 from the residential unit) and 7 vehicle trips during the PM peak hour (all 7 trips are from the Use Group 6 commercial gallery). Therefore, there is no incremental increase in trips generated between the Future No-Action condition and the Future With-Action condition.

The results of the trip generation analysis show that there is an incremental decrease in person trips and vehicle trips under the Future With-Action Condition, and therefore does not warrant further analysis.

Table 6.4-2: Travel Demand Forecast – Person Trips

LAND USE		Future No-Action Condition		Future With-Action Condition						Incremental Increase	
		Nonprofit Gallery (UG 3)		Commercial Gallery (UG 6)		Single-Family Residence		Total		Commercial Gallery (UG 6) and Residence	
Use Unit		1000 SF		SF		DU					
Size		17.6		17.2		1.0					
PERSON TRIPS	Mode	In	Out	In	Out	In	Out	In	Out	In	Out
AM	Auto	0	0	0	0	0	0	0	0	0	0
	Taxi	0	0	0	0	0	0	0	0	0	0
	Subway	1	1	1	1	0	0	1	2	0	1
	Bus	0	0	0	0	0	0	0	0	0	0
	Walk	1	1	1	1	0	0	1	1	0	0
	Total	2	2	2	2	0	1	2	3	0	1
	Sub Total	4		4		1		5		1	
MD	Auto	9	5	8	5	0	0	8	5	(-1)	0
	Taxi	5	3	4	3	0	0	4	3	(-1)	0
	Subway	16	9	14	8	0	0	14	8	(-2)	(-1)
	Bus	3	2	3	2	0	0	3	2	0	0
	Walk	15	9	13	8	0	0	13	8	(-2)	(-1)
	Total	48	28	42	26	0	0	42	26	(-6)	(-2)
	Sub Total	76		68		0		68		(-8)	
PM	Auto	6	6	6	5	0	0	6	5	0	(-1)
	Taxi	3	3	3	3	0	0	3	3	0	0
	Subway	11	10	9	9	1	0	10	9	(-1)	(-1)
	Bus	2	2	2	2	0	0	2	2	0	0
	Walk	10	9	9	8	0	0	9	8	(-1)	(-1)
	Total	32	30	29	27	1	0	30	27	(-2)	(-3)
	Sub Total	62		56		1		57		(-5)	
Saturday MD	Auto	6	6	5	5	0	0	5	5	(-1)	(-1)
	Taxi	3	3	3	3	0	0	3	3	0	0
	Subway	10	10	9	9	0	0	9	9	(-1)	(-1)
	Bus	2	2	2	2	0	0	2	2	0	0
	Walk	9	9	8	8	0	0	8	8	(-1)	(-1)
	Total	30	30	27	27	0	0	27	27	(-3)	(-3)
	Sub Total	60		54		0		54		(-6)	

Table 6.4-3: Travel Demand Forecast – Vehicle Trips

LAND USE		Future No-Action Condition		Future With-Action Condition						Incremental Increase	
		Nonprofit Gallery (UG 3)		Commercial Gallery (UG 6)		Single-Family Residence		Total		Commercial Gallery (UG 6) and Residence	
Use Unit		1000 SF		SF		DU					
Size		17.6		17.2		1.0					
VEHICLE TRIPS	Type	In	Out	In	Out	In	Out	In	Out	In	Out
AM	Auto	0	0	0	0	0	0	0	0	0	0
	Taxi	0	0	0	0	0	0	0	0	0	0
	Truck	0	0	0	0	0	0	0	0	0	0
	Total	0	0	0	0	0	0	0	0	0	0
	Sub Total	0		0		0		0		0	
MD	Auto	3	2	3	2	0	0	3	2	0	0
	Taxi	0	0	0	0	0	0	0	0	0	0
	Truck	0	0	0	0	0	0	0	0	0	0
	Total	3	2	3	2	0	0	3	2	0	0
	Sub Total	5		5		0		5		0	
PM	Auto	2	2	3	2	0	0	3	2	1	0
	Taxi	1	1	1	1	0	0	1	1	0	0
	Truck	0	0	0	0	0	0	0	0	0	0
	Total	4	4	4	3	0	0	4	3	0	(-1)
	Sub Total	8		7		0		7		(-1)	
Saturday MD	Auto	2	2	2	2	0	0	2	2	0	0
	Taxi	1	1	1	1	0	0	1	1	0	0
	Truck	0	0	0	0	0	0	0	0	0	0
	Total	4	4	3	3	0	0	3	3	(-1)	(-1)
	Sub Total	8		6		0		6		(-2)	

ATTACHMENT B-7: AIR QUALITY

7.1 Introduction

The proposed project has the potential to affect local air quality associated with:

1. The potential for emissions from the heating, ventilation, and air conditioning (HVAC) systems of the proposed development to significantly impact nearby existing land uses.

The following air quality analyses were conducted in accordance with the procedures outlined in the 2020 *CEQR Technical Manual* to determine whether the proposed project would result in violations of ambient air quality standards.

7.2 Methodology

Mobile Source

Under guidelines contained in the *CEQR Technical Manual*, and in this area of New York City, projects generating fewer than 170 additional vehicle trips in any given hour are considered as unlikely to result in significant mobile source impacts related to carbon dioxide (CO) emissions and do not warrant detailed CO emissions analysis. Under the Future With-Action Condition, the proposed project would result in an incremental decrease in vehicle trips.

According to the *CEQR Technical Manual*, projects that generate at least 12 to 23 heavy duty diesel vehicles (HDDV) or their equivalent (depending on the type of road), in a peak hour require additional analysis for fine particulate matter (PM 2.5) emissions. No truck trips are generated under the No-Action Condition, and no truck trips would be generated under the Future With-Action Condition. In the Future With-Action Condition, the AM and PM peak hours have the same vehicle generation as the No-Action Condition (no incremental increase), and the MD and Saturday MD peak hours have an incremental decrease in vehicle trips. The trips generated by the Proposed Action are under the 12 HDDV threshold, and therefore a detailed PM 2.5 analysis is not required. See Table 6.4-3 on the previous page.

Therefore, no detailed air quality mobile source analysis would be required for the Proposed Action per the *CEQR Technical Manual* as the Proposed Action would not result in more than 170 vehicle trips in a given peak hour, would not result in an increase in truck trips, and would have an incremental decrease in vehicle trips. Therefore, no significant mobile source air quality impacts would be generated by the Proposed Action.

Stationary Source

Projects may result in stationary source air quality impacts when they would (i) create new stationary sources of pollutants—such as emission stacks for industrial plants, hospitals, other large institutional uses, or even a building’s boilers—that may affect surrounding uses; (ii) introduce certain new uses near existing or planned emissions stacks that may affect the use; or (iii) introduce structures near such stacks so that changes in the dispersion of emissions from the stacks may affect surrounding uses.

7.3 Assessment

7.3.1 Future without the Proposed Action (No-Action Condition)

Under the No-Action Condition, the Development Site would remain a five-story nonprofit art gallery, and would not be enlarged. The building’s heating system and hot water system is currently powered by No. 2 Fuel Oil. As no new construction would occur at the Development Site and the Combined Zoning Lot under the No-Action Condition, there would be no changes to the building or to the building’s heating and hot water system, therefore no impacts would occur.

7.3.1 Future with the Proposed Action (With-Action Condition)

Screening-Level Analysis of the Heating, Ventilation and Air Conditioning (HVAC)

A screening analysis was performed using the methodology described in Chapter 17 of the *CEQR Technical Manual* to assess air quality impacts associated with emissions from the proposed project’s No. 2 fuel oil-fired heating and hot water system. The *CEQR* screening methodology for HVAC systems determines the threshold of development size below which there is no potential for significant adverse impact. The screening procedure uses information regarding the type of fuel used, the maximum development size or estimated emissions, the exhaust stack height, and the distance to the nearest building of similar or greater height to evaluate whether a significant adverse impact is likely. Based on the distance to the nearest building of a similar or greater height, if the maximum development size is greater than the threshold size in the *CEQR Technical Manual*, then there is the potential for significant air quality impacts and a refined dispersion modeling analysis would be required. Otherwise, the source passes the screening analysis and no further study is required.

A review of existing land uses and building heights within 400 feet of the Development Site was conducted using New York City Open Accessible Space Information System (OASIS), Google Maps, PLUTO data, New York City Planning Zoning and Land Use map (Zola), and NYC Open Data⁹. This review determined that the closest building with a roof height taller than the height of the existing stack on the Development Site is located westerly adjacent to the Development Site. The building is a 21-story (227 feet tall) residential

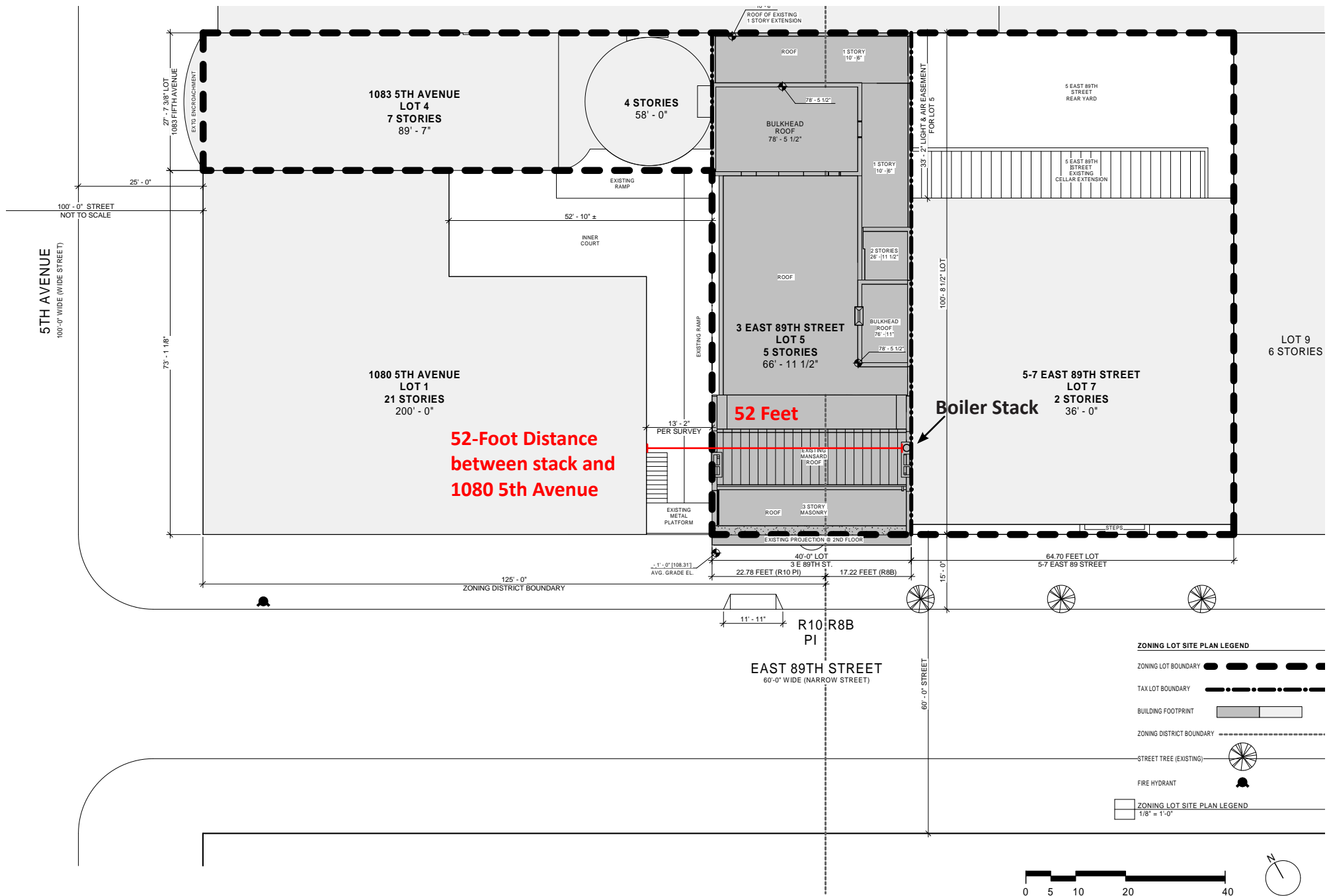
⁹ The building height data was accessed through the Building Footprints shapefile available to download on NYC Open Data and maintained by NYC Department of Information Technology and Telecommunications (DoITT).

building located at 1080 Fifth Avenue (Block 1501, Lot 1). The adjacent building at 1080 Fifth Avenue is located approximately 52 feet west along E. 89th Street from the existing stack at the Development Site (see Figure 35). The existing stack at the Development Site is located approximately 40 feet from the property lot line facing Fifth Avenue. The existing stack location would not change under the With-Action Condition, and the stack and boiler system would meet the needs of the proposed project (see Appendix E for a letter confirming the system capacity and current boiler stack location). An analysis was therefore conducted, using CEQR *Technical Manual* screening procedures, to determine whether the HVAC emissions of the proposed development would have the potential to significantly impact air quality levels at the closest existing building.

The CEQR *Technical Manual* nomographic procedure was used to determine the threshold distance between the proposed development and the existing building. Because the proposed development's heat and hot water system would be heated by No. 2 Fuel Oil, Figure 17-5 of the *Air Quality Appendix* was used as follows to determine the potential for significant sulfur dioxide (SO₂) (i.e., the critical pollutant for No. 2 Fuel Oil) impacts:

- A development size of approximately 23,281 gsf was plotted on the nomograph (see Figure 36) against the distance to the closest potentially affected building (21-story building located at 1080 Fifth Avenue).
- The threshold distance at which a potentially significant impact is likely to occur was estimated to be 50 feet. The actual distance between the stack on the Development Site and the closest potentially affected building is 52 feet.
- Because the distance between the stack on the Development Site and an existing taller building is greater than the threshold distance indicated on the nomograph, no potentially significant impact is anticipated and no detailed analysis is warranted.

In addition to being beyond the threshold distance at which a potentially significant impact is likely to occur, the boiler at the Development Site would be used to heat a smaller area under the With-Action Condition than it had in the recent past. The boiler was previously connected to the heating system at 5-7 E. 89th Street in addition to heating 3 E. 89th Street. The boiler, therefore, provided energy to heat 30,917 gsf (17,643 gsf at 3 E. 89th Street, 13,274 gsf at 5-7 E. 89th Street) and is only proposed to be used for 23,281 gsf in the Future With-Action Condition.



3 E. 89 STREET

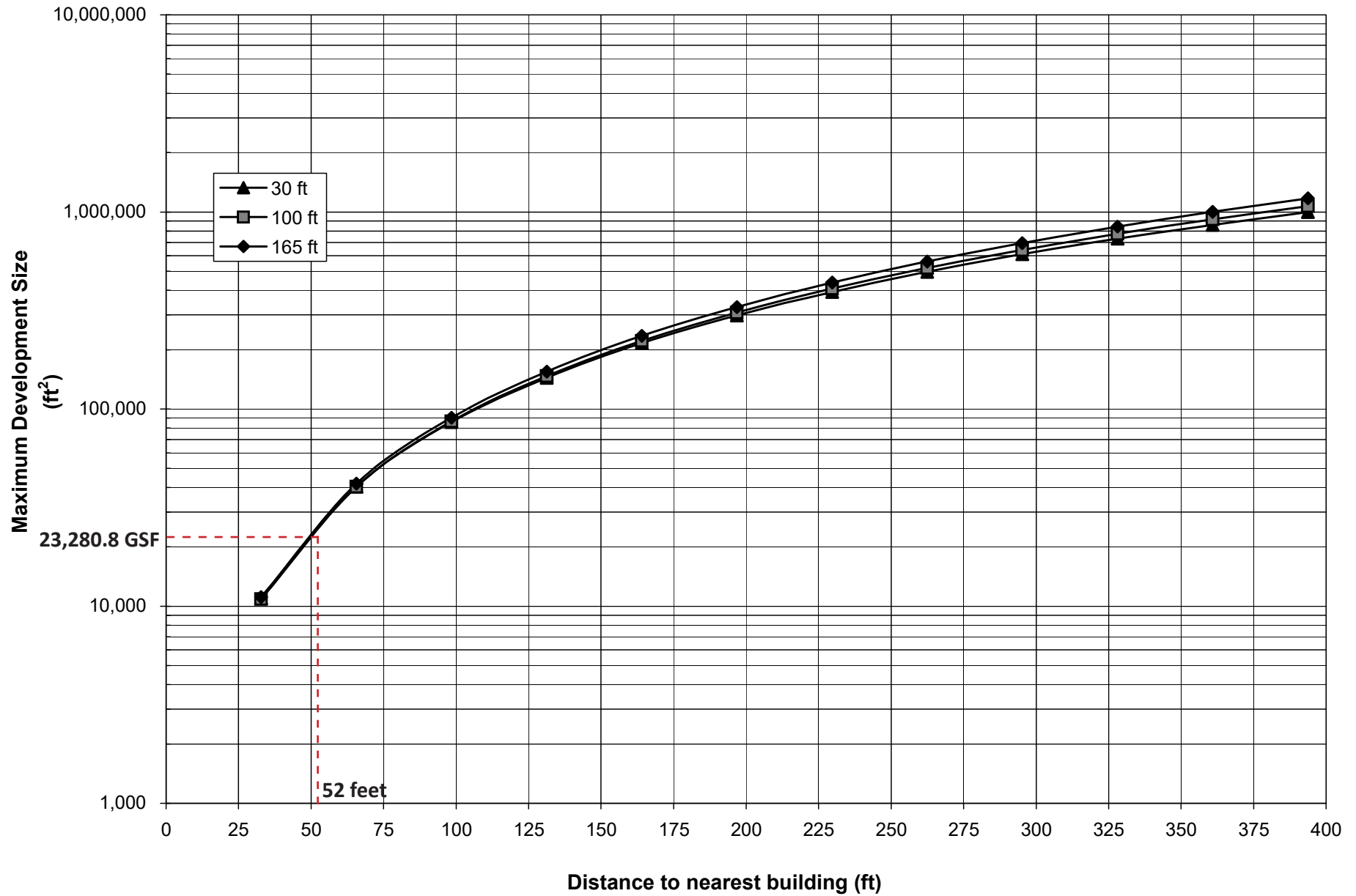
ENVIRONMENTAL ASSESSMENT STATEMENT

FIGURE 35: BOILER STACK LOCATION AND NEAREST TALLER BUILDING

SOURCE: RAFAEL VIÑOLY ARCHITECTS, 2020

BFI Planning

SO₂ BOILER SCREEN **RESIDENTIAL DEVELOPMENT - FUEL OIL #2**



Air Toxics Screening Analysis

The potential impacts from emissions of toxic air pollutants from existing nearby industrial sources were also considered. Industrial sources were identified through field inspection and a review of ESRI shapefiles that show the location of buildings with NYC DEP CATS Light Industrial Permits, DEC State Facility Air State Permits, and DEC Title V Air Permits¹⁰. As indicated in Figure 4: Land Use Map, there are no properties identified as Industrial or Manufacturing within the 400-foot study area surrounding the Combined Zoning Lot. However, a review of the NYC DEP CATS Light Industrial Permit shapefile revealed that the Guggenheim Museum (located directly across E. 89th Street from the Development Site) has an industrial permit. Field inspection also identified one cleaner (Black and White Cleaners) within 400 feet of the Combined Zoning Lot. Based on visual inspection, no building located within 400 feet of the Combined Zoning Lot appeared to have any active emissions stacks. The field inspection also did not identify any major or large industrial sources within 1,000 feet of the Project Site. The Guggenheim Museum and Black and White Cleaners are discussed below, and additional information on their permits is located in Appendix F.

Guggenheim Museum (Block 1500, Lot 1)

The Guggenheim Museum is located at 1071 Fifth Avenue in Manhattan, located south of the intersection of E. 89th Street and Fifth Avenue. The museum has an industrial permit for an emergency generator that burns No. 2 Fuel Oil. The permit (PB028309) is active and expires in August 2024. The Museum has art galleries, a theater, a café, an accessory store, labs, and meeting rooms that all require climate control. The generator is likely used to provide backup power in emergencies or to supplement the power that the museum pulls from the energy grid during special events. It is therefore unlikely that the exhaust created by the temporary use of the generator at the Guggenheim Museum would result in significant air quality impacts.

Black and White Cleaners (Block 1500, Lot 20)

Black and White Cleaners is a neighborhood laundry located at 1225 Madison Avenue, northeast of the intersection of Madison Avenue and E. 88th Street. The address does not have any active industrial permits listed in the NYC Department of Environmental Protection's (NYCDEP) Clean Air Tracking System (CATS) database. The cleaners previously had two industrial permits which expired in 2001 and 2004, and previously had a boiler permit which expired in 2003. The building has two current boiler permits. The permits, which are owned by the 47-88 Tenants Corporation, are for the operation of a boiler that runs on No. 2 Fuel Oil. The CATS database also shows two boiler permits that were canceled in 2004 and 2016.

¹⁰ The ESRI shapefiles were consulted at the direction of NYC Department of City Planning. The shapefiles were accessed through the CEQR app website in July 2021 (<https://www.ceqr.app/data/air-quality>).

The building does not have any current industrial permits and in a phone call on February 9, 2021, a representative from Black and White Cleaners confirmed that the business does not dry clean on-site. Based on the absence of air toxics permits and the highly residential and mixed-use character of the study area, it is not believed that any existing land uses would have a hazardous impact on the Development Site, and no further analysis is warranted.

Conclusion

Based on the above analysis, the Proposed Action would not result in any air quality impacts, nor would the proposed project be subject to air toxic impacts from nearby uses; no additional analysis is warranted.

ATTACHMENT B-8: CONSTRUCTION IMPACTS

8.1 Introduction

Construction activities, although temporary, may sometimes result in significant impacts. Construction duration, which is a critical measure to determine a project's potential for adverse impacts during construction, is categorized as short-term (less than two years) and long-term (two or more years). According to the *CEQR Technical Manual*, a preliminary construction assessment is generally not required unless the construction activities last longer than two years. Consideration of several factors, including the location and setting of the project in relation to other uses and the intensity of construction activities, also may indicate that a project's construction activities warrant analysis.

8.2 Methodology

Consideration of several factors, including the location and setting of the project in relation to other uses and intensity of construction activities are used to determine if a project's construction activities warrant analysis in one or more of the following technical areas:

- Transportation
- Air Quality or Noise
- Historic and Cultural Resources
- Hazardous Materials
- Natural Resources
- Open Space
- Socioeconomic Conditions
- Community Facilities
- Land Use and Public Policy
- Neighborhood Character
- Infrastructure

A preliminary assessment is generally not needed for these technical areas unless construction activities are considered long-term (last longer than two years) or consist of short-term construction activities that would directly affect a technical area listed above. In addition, construction activities resulting in the following may require analysis:

- Result in the closing, narrowing, impeding of traffic, transit, or obstruction of pedestrian or vehicular routes in proximity to critical land uses.
- Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out.
- The operation of several pieces of diesel equipment in a single location at peak construction.
- Closure of a community facility or disruption in its services.
- Disturbance of a site containing or adjacent to a site containing natural resources.

- Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall.

Construction of the Proposed Development is anticipated to last less than two years (18 months) and would not affect any of the impact categories listed above except for historic and cultural resources.

8.3 Assessment

8.3.1 Future Without the Proposed Actions (No-Action Condition)

Under the No-Action Condition, the Development Site would remain a five-story nonprofit art gallery, and would not be enlarged. As no construction activities would occur under the No-Action Condition, no impacts would result.

8.3.2 Future With the Proposed Actions (With Action Condition)

Under the With-Action Condition, the build year for completion of the Proposed Development is 2023. The project would be completed in two phases. Phase 1 is currently underway and includes as-of-right interior renovations and façade restoration that would facilitate the change of use to a Use Group 6 commercial art gallery that would be permitted by the special permit. No building expansions are proposed under Phase 1. The renovation and restoration are complete, except for those that would happen during the building expansion. The proposed Phase 2 expansion and new construction would occur between July 2022 and May 2023. ULURP is expected to be complete by approximately May 2022. Most construction activity would occur between the hours of 7:00 AM and 6:00 PM on weekdays. As stated in Attachment B-3, the Development Site is located approximately 50 feet northeast of the LPC and National Register-listed Guggenheim Museum.

Historic and Cultural Resources

The Project Area is located approximately 60 feet from the LPC/NR-listed Guggenheim Museum and measures will be taken to ensure that the integrity of this historic resource is maintained. There are regulatory mechanisms that address concerns regarding vibrations associated with construction. Since there is an LPC and National Register-listed historic resource located within 90 feet of the Project Area, the potential for physical disturbance to this building will be disclosed and the project will be required to comply with the DOB Technical Policy and Procedure Notice (TPPN) #10/88. TPPN #10/88 supplements the standard building protections afforded by Building Code C26-112.4 by requiring a monitoring program to reduce the likelihood of construction damage to an LPC/National Register-listed resource and to detect at an early stage the beginnings of damage so that construction procedures may be changed. Therefore, construction-related impacts to the Guggenheim Museum are not anticipated.

Conclusion

Overall, the construction-related activities associated with the development of the Proposed Actions are not expected to have significant adverse impacts and further analysis is not required.

Appendix A

NYC LPC Correspondence

ENVIRONMENTAL REVIEW

Project number: LA-CEQR-M (DEPARTMENT OF CITY PLANNING)

Project:

Address: 3 EAST 89 STREET BBL: 1015010005

Date Received: 5/12/2020

☐ No architectural significance

☒ No archaeological significance

☒ Designated New York City Landmark or Within Designated Historic District

☐ Listed on National Register of Historic Places

☒ Appears to be eligible for National Register Listing

☐ May be archaeologically significant; requesting additional materials

Comments:

The project site is within the Expanded Carnegie Hill HD, LPC designated and S/NR eligible. All work to proceed according to LPC Preservation department permitting under the LPC Landmarks law.

Gina Santucci

5/14/2020

SIGNATURE

Gina Santucci, Environmental Review Coordinator

DATE

File Name: 34953_FSO_DNP_05142020.docx

THIS IS NOT A PERMIT

No work may proceed until the final filing drawings are reviewed and marked as approved by the Landmarks Preservation Commission staff.



THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
1 CENTRE STREET 9TH FLOOR NORTH NEW YORK NY 10007
TEL: 212 669-7700 FAX: 212 669-7780



July 10, 2020

ISSUED TO:

Jeanne Greenberg Rohatyn
3 East 89th Holding LLC
12 East 94th Street
New York, NY 10128

Re: **STATUS UPDATE LETTER**
LPC-20-11118
SUL-20-11118
3 EAST 89TH STREET
Expanded Carnegie Hill Historic District
MANHATTAN
Block/Lot: 1501 / 5

This letter is to inform you that at the Public Meeting of June 30, 2020, following the Public Hearing and Public Meeting of February 11, 2020, the Landmarks Preservation Commission voted to approve a proposal to amend a previously approved proposal to construct rooftop and rear yard additions, install a marquee, and replace windows and doors at the subject premises, as put forward in your application completed on June 4, 2020. Both the approved amendment and the initial approval will expire on February 11, 2026.

However, no work may begin until a Certificate of Appropriateness has been issued. Upon receipt, review and approval of the final Department of Buildings filing drawings for the approved work, a Certificate of Appropriateness will be issued.

Please note that all drawings, including amendments which are to be filed at the Department of Buildings, must be approved by the Landmarks Preservation Commission.

Thank you for your cooperation.

Page 1

Issued: 07/10/20

DOCKET #: LPC-20-11118



Sarah Carroll

Please Note: THIS IS NOT A PERMIT

cc: Caroline Kane Levy, Deputy Director; Sarah Sher,

Appendix B

Tier 3 Shadow Analysis

CHURCH OF THE HEAVENLY REST SHADOW STUDY

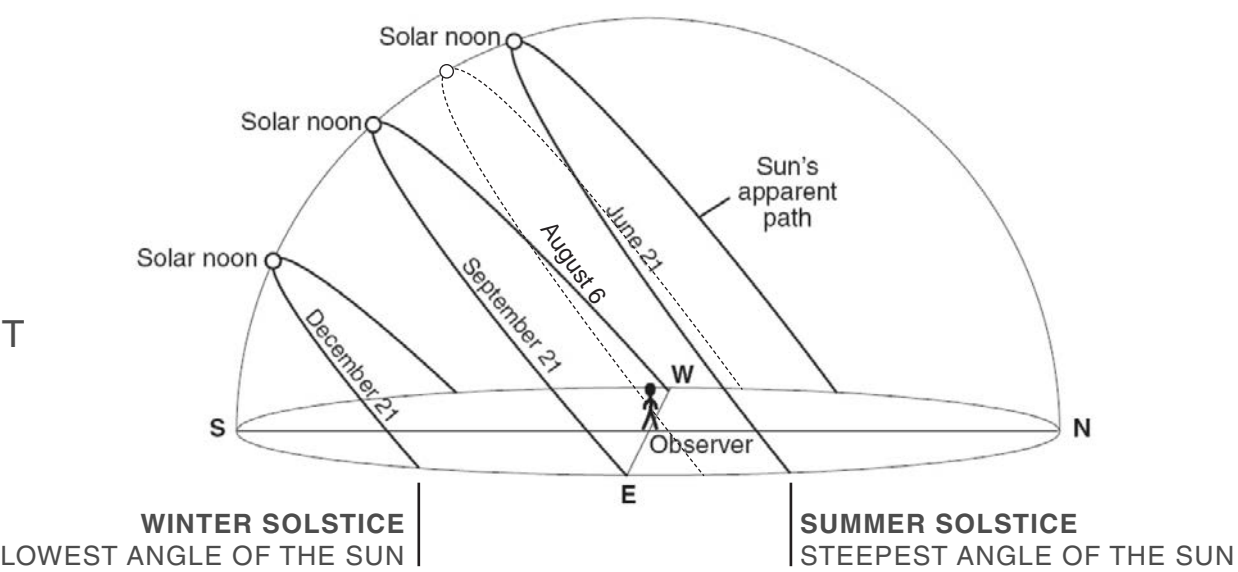
3 EAST 89TH STREET

FOR USE OF CITY PLANNING COMMISSION

SHADOW IMPACT ON STAINED GLASS WINDOWS SUMMARY CHART

CHURCH OF THE HEAVENLY REST’S 3 WINDOWS FACING REAR YARD OF 3 EAST 89TH STREET

EXISTING SHADOW COVERAGE ON STAINED GLASS WINDOWS
AND ADDITIONAL SHADOW COVERAGE ON WINDOWS
FROM PROPOSED ADDITION AT 3 EAST 89TH STREET



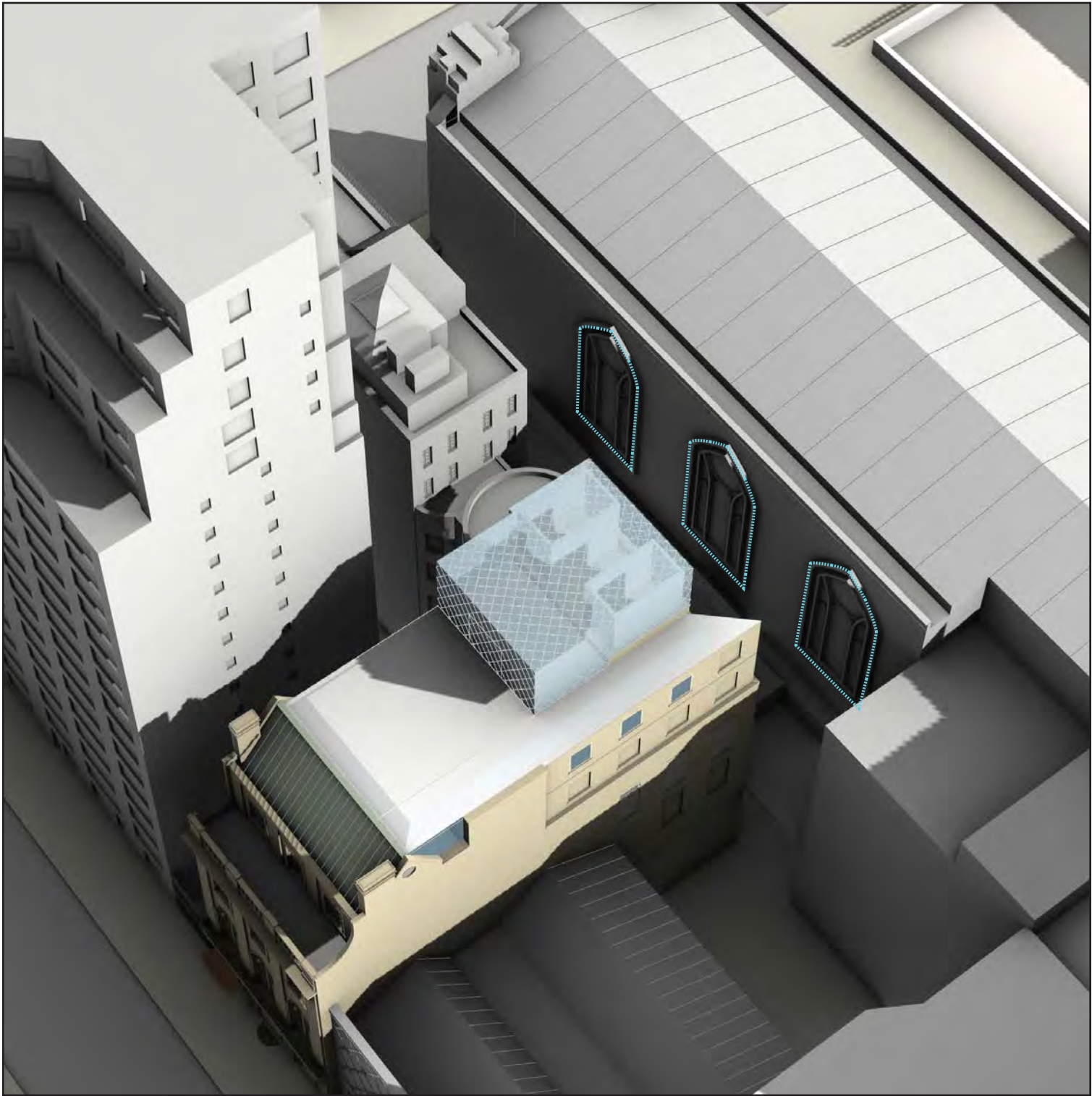
	SUMMER SOLSTICE		FALL EQUINOX		WINTER SOLSTICE	
	June 21		August 6		September 21	December 21
	EXISTING SHADOW ON WINDOWS	ADDED SHADOW ON WINDOWS	EXISTING SHADOW ON WINDOWS	ADDED SHADOW ON WINDOWS	EXISTING SHADOW ON WINDOWS	ADDED SHADOW ON WINDOWS
7 a m	100 %	-	100 %	-	-	-
8 a m	100 %	-	100 %	-	100 %	-
9 a m	100 %	-	100 %	-	100 %	-
10 a m	100 %	-	5 %	-	10 %	5 %
11 a m	0 %	-	0 %	-	5 %	20 %
12 p m	0 %	-	0 %	-	5 %	10 %
1 p m	5 %	-	15 %	-	40 %	10 %
2 p m	35 %	-	75 %	5 %	75 %	5 %
3 p m	70 %	-	100 %	-	100 %	-
4 p m	70 %	-	95 %	-	100 %	-
5 p m	40 %	-	85 %	-	100 %	-
6 p m	80 %	-	60 %	-	100 %	-

SHADOW STUDY

JUNE 21

SUMMER SOLSTICE - SUN AT HIGHEST ANGLE OF THE YEAR

JUNE 21, 7AM

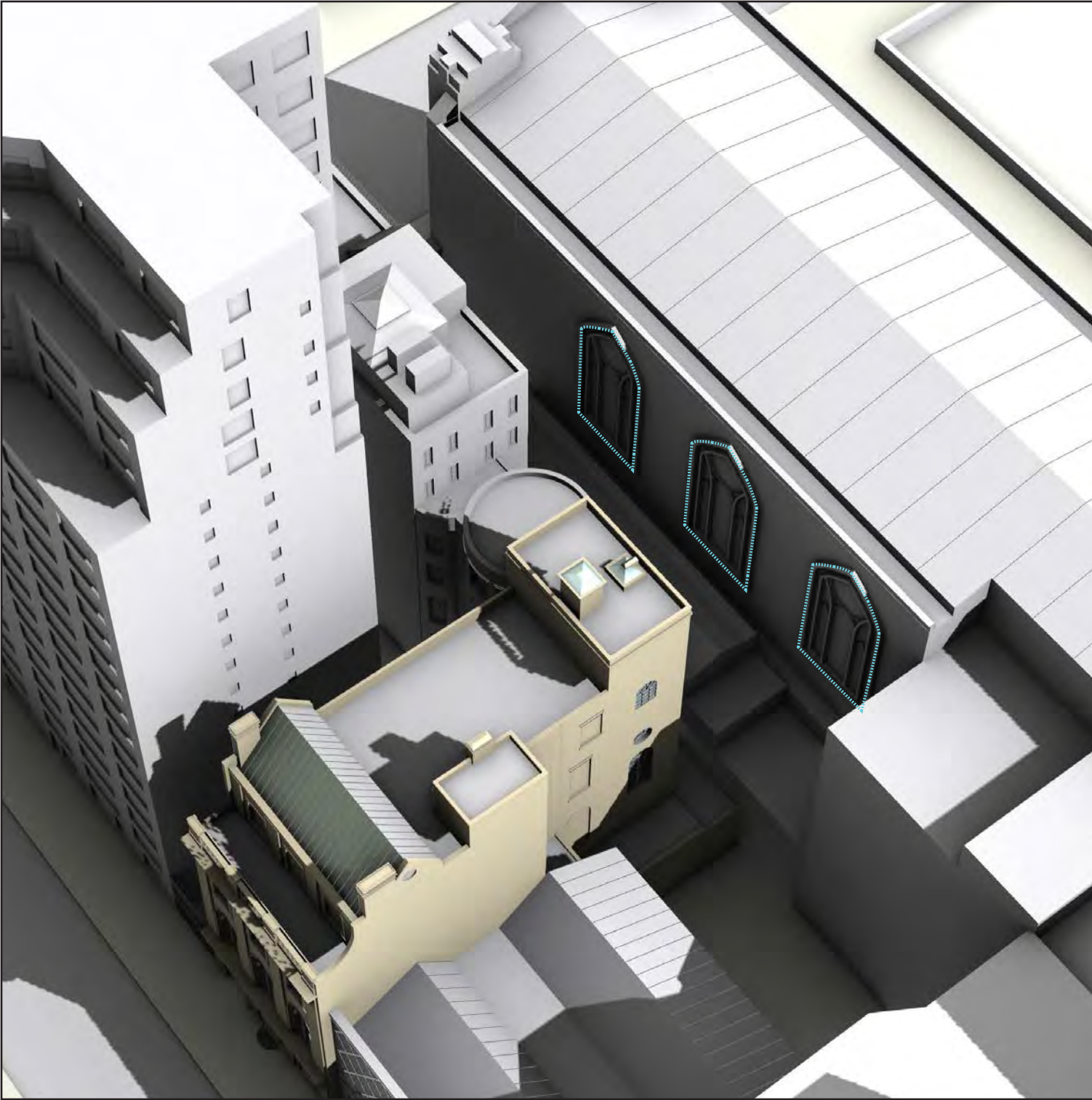


Existing Building

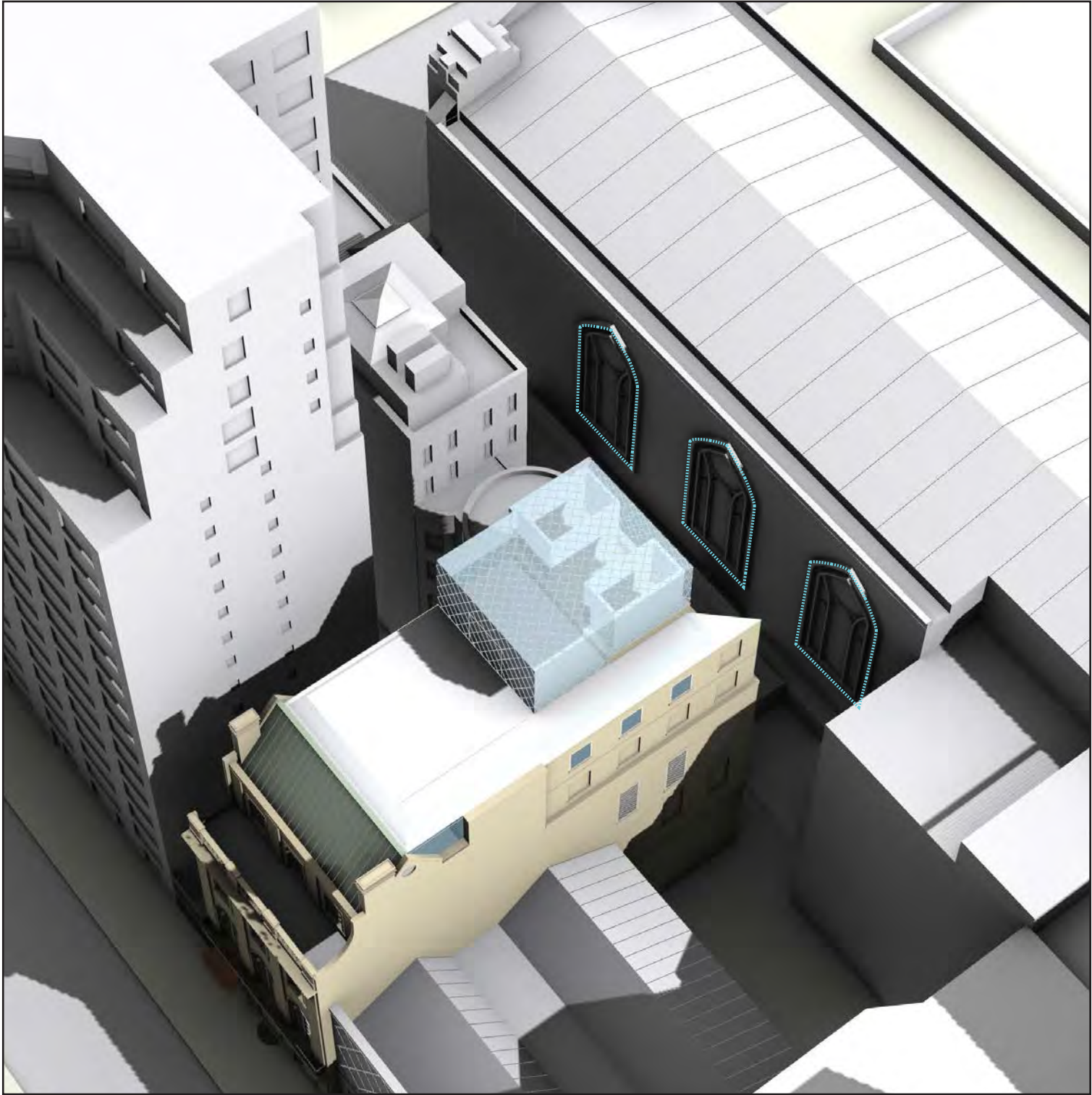
Proposed Addition

Additional Shadow Church Windows

JUNE 21, 7AM



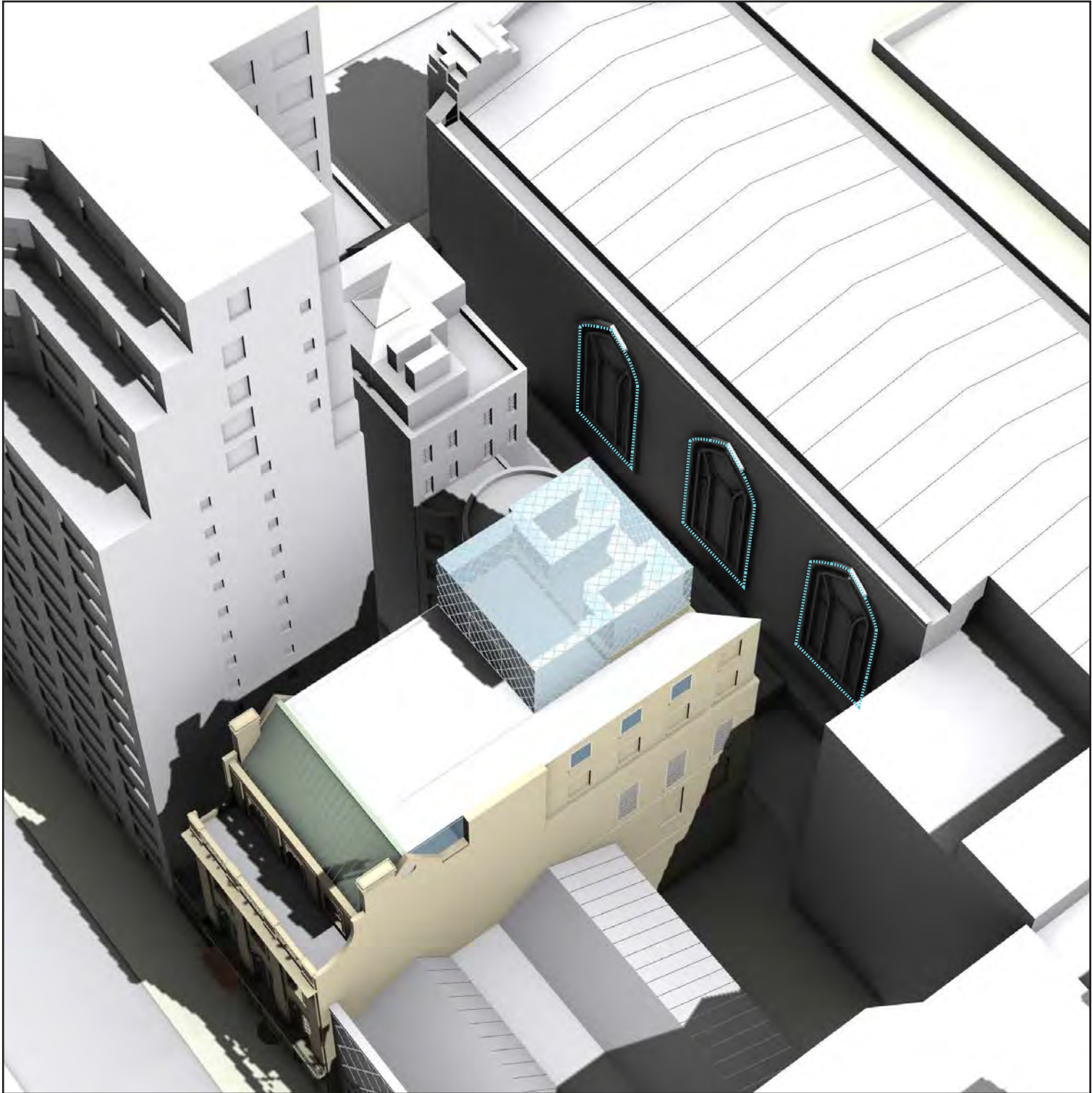
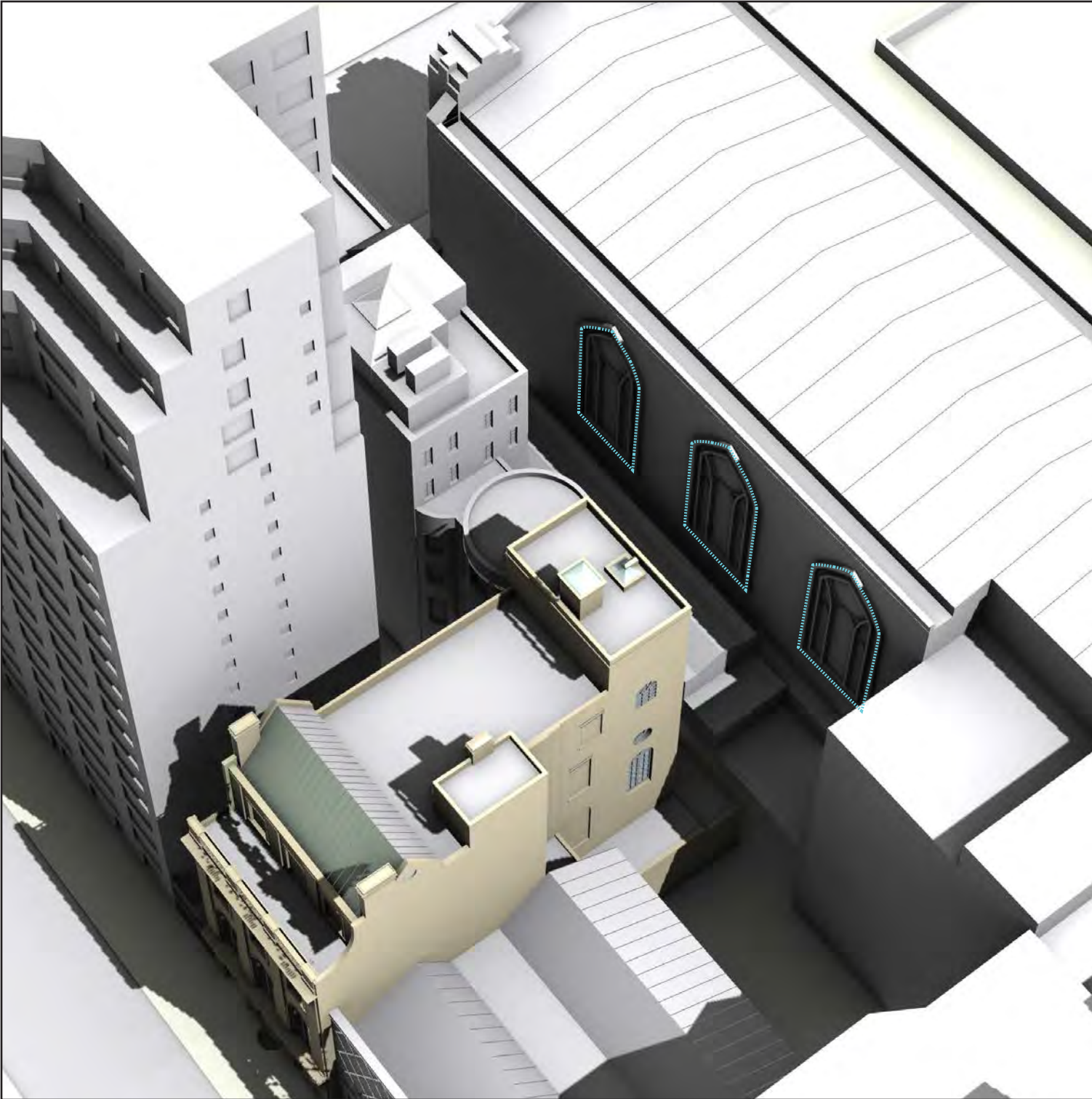
Existing Building



Proposed Addition

Additional Shadow Church Windows

JUNE 21, 9AM

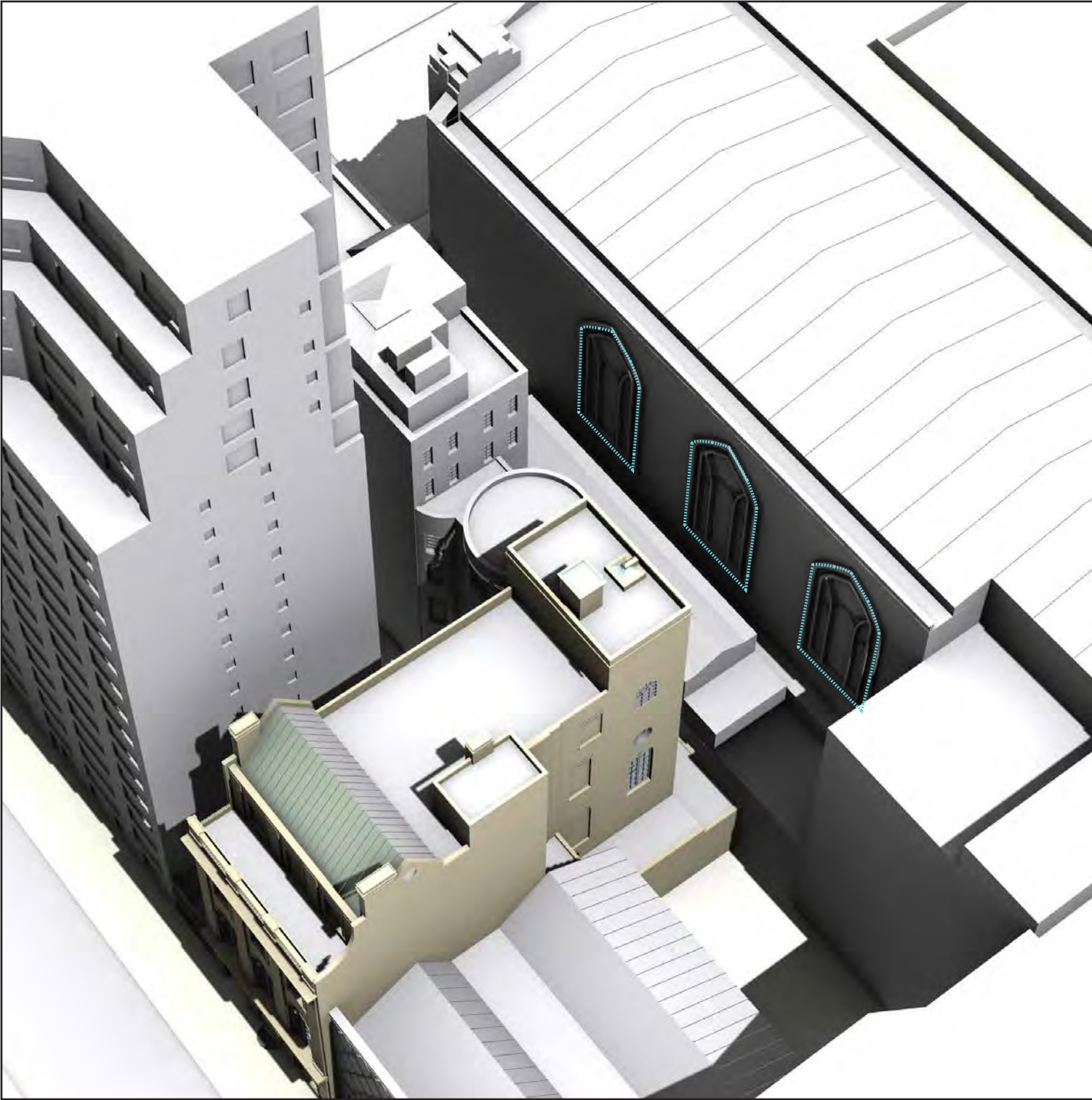


Existing Building

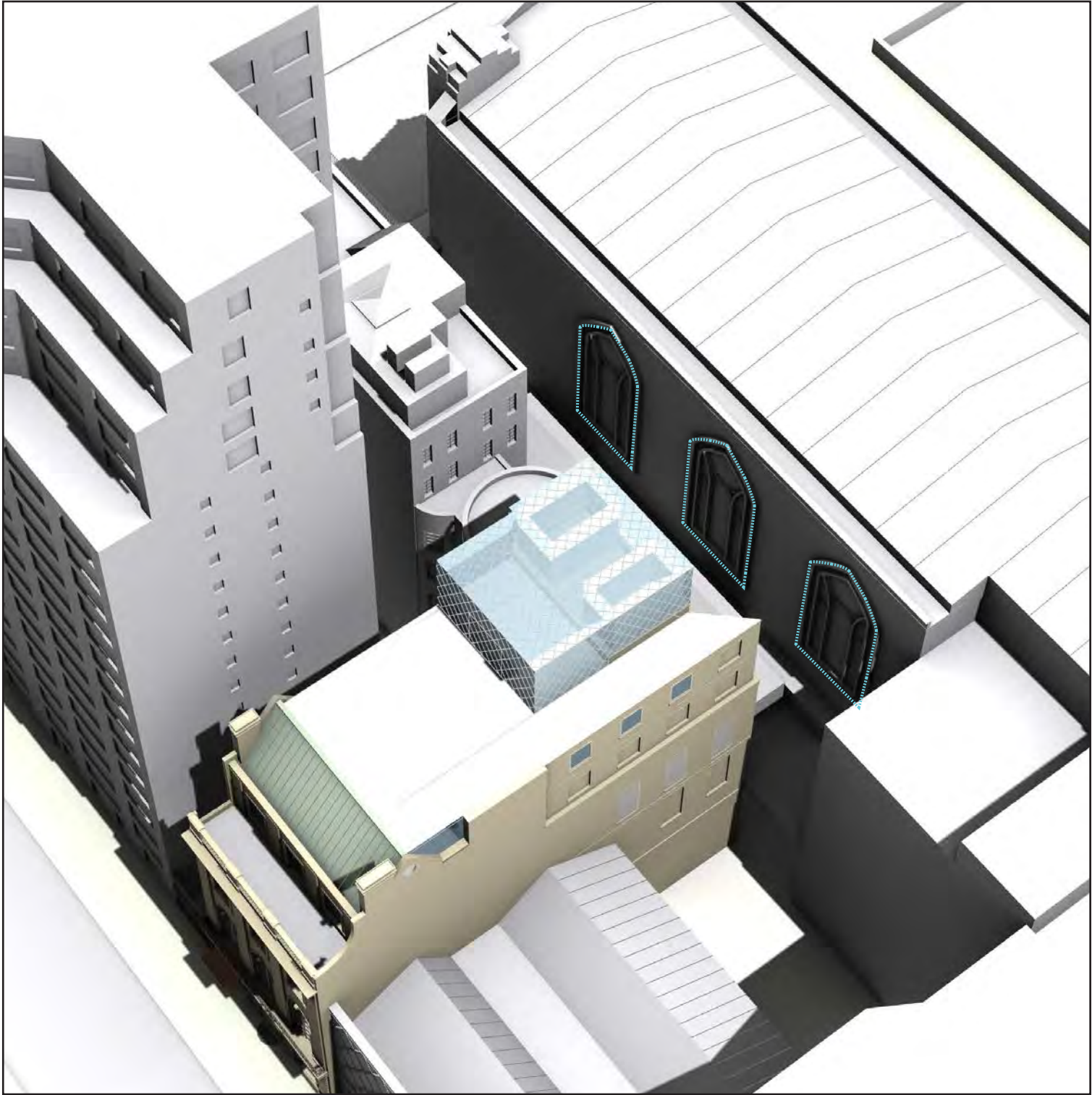
Proposed Addition

Additional Shadow Church Windows

JUNE 21, 10AM



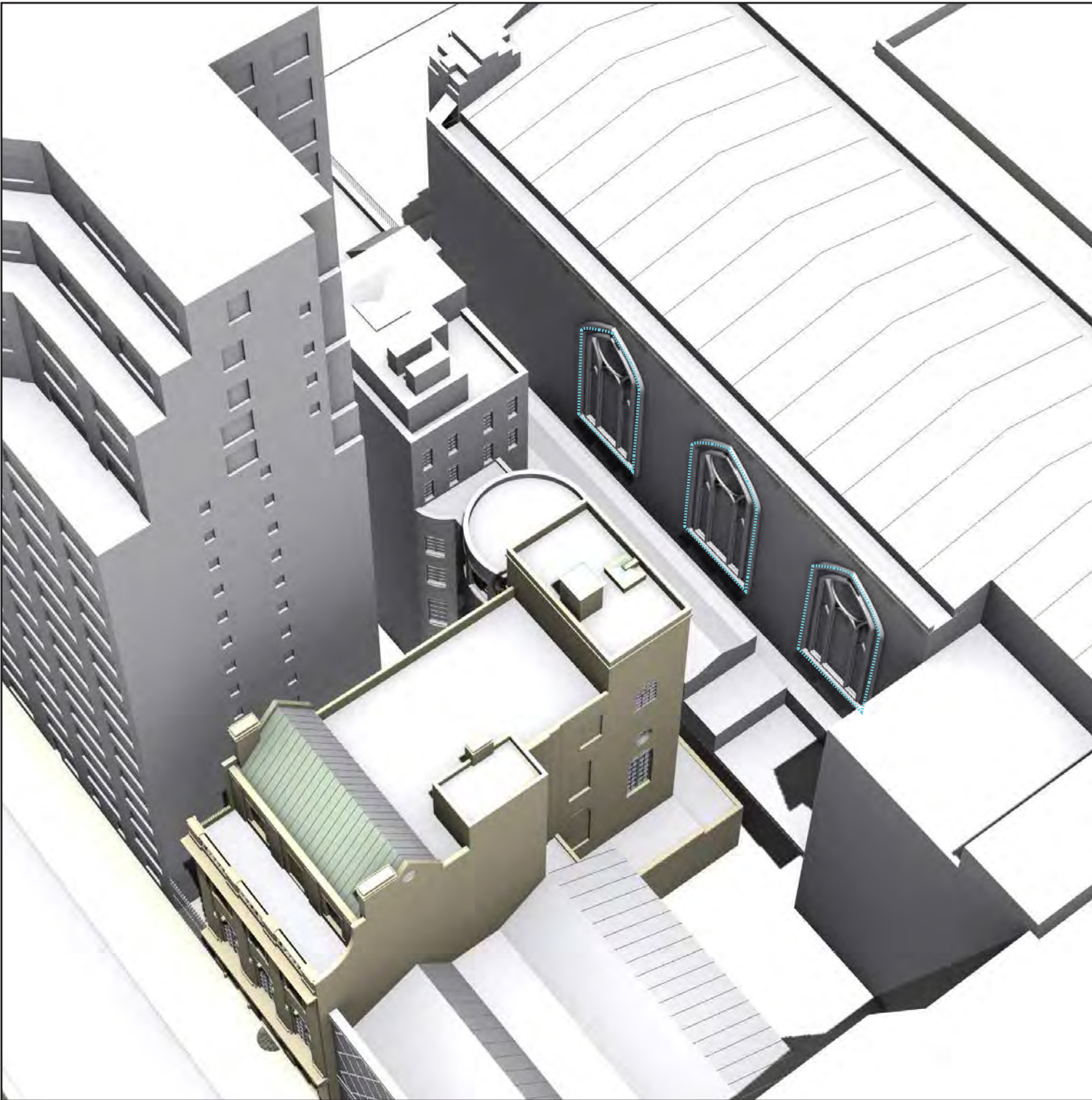
Existing Building



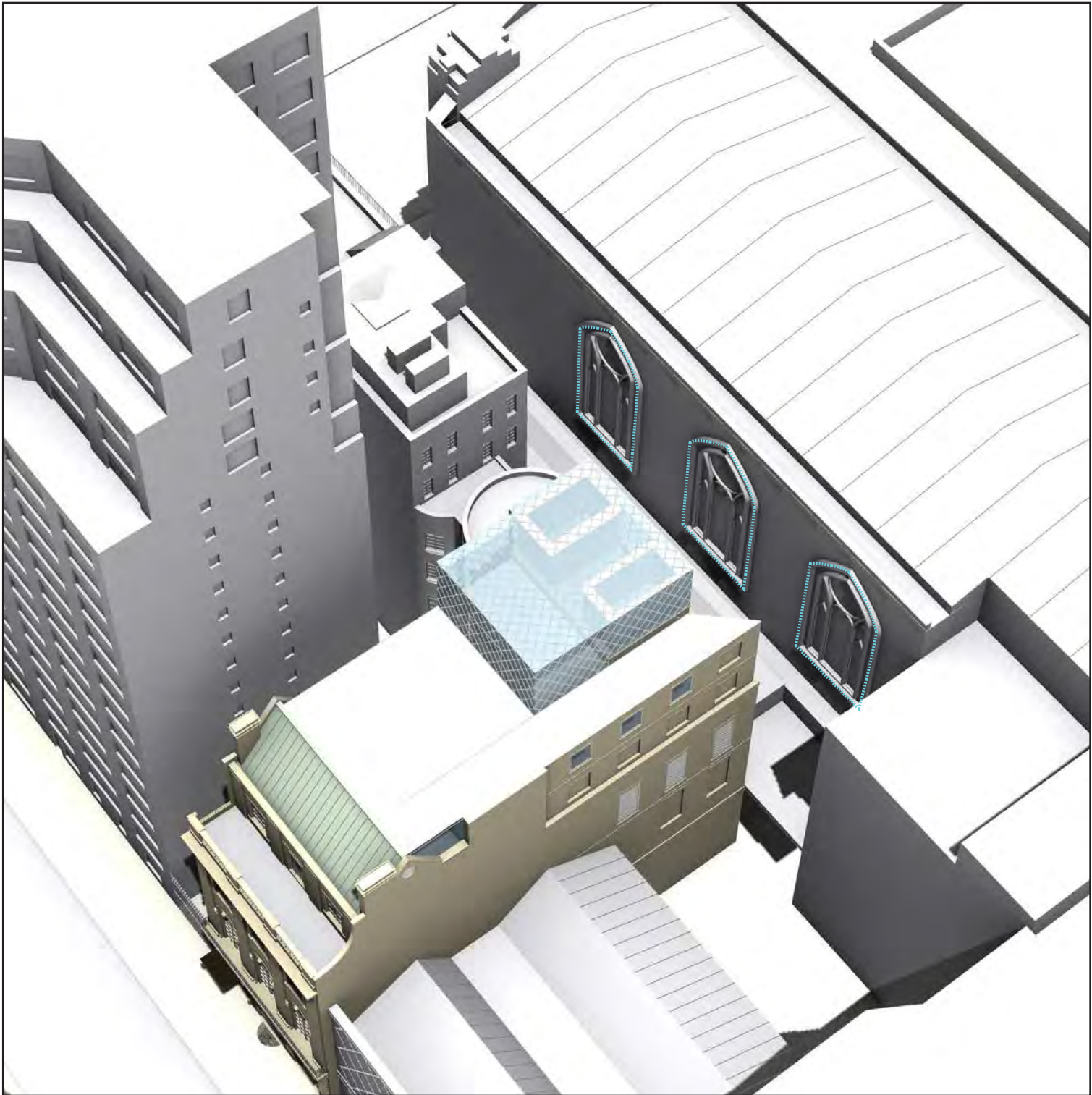
Proposed Addition

Additional Shadow Church Windows

JUNE 21, 11AM



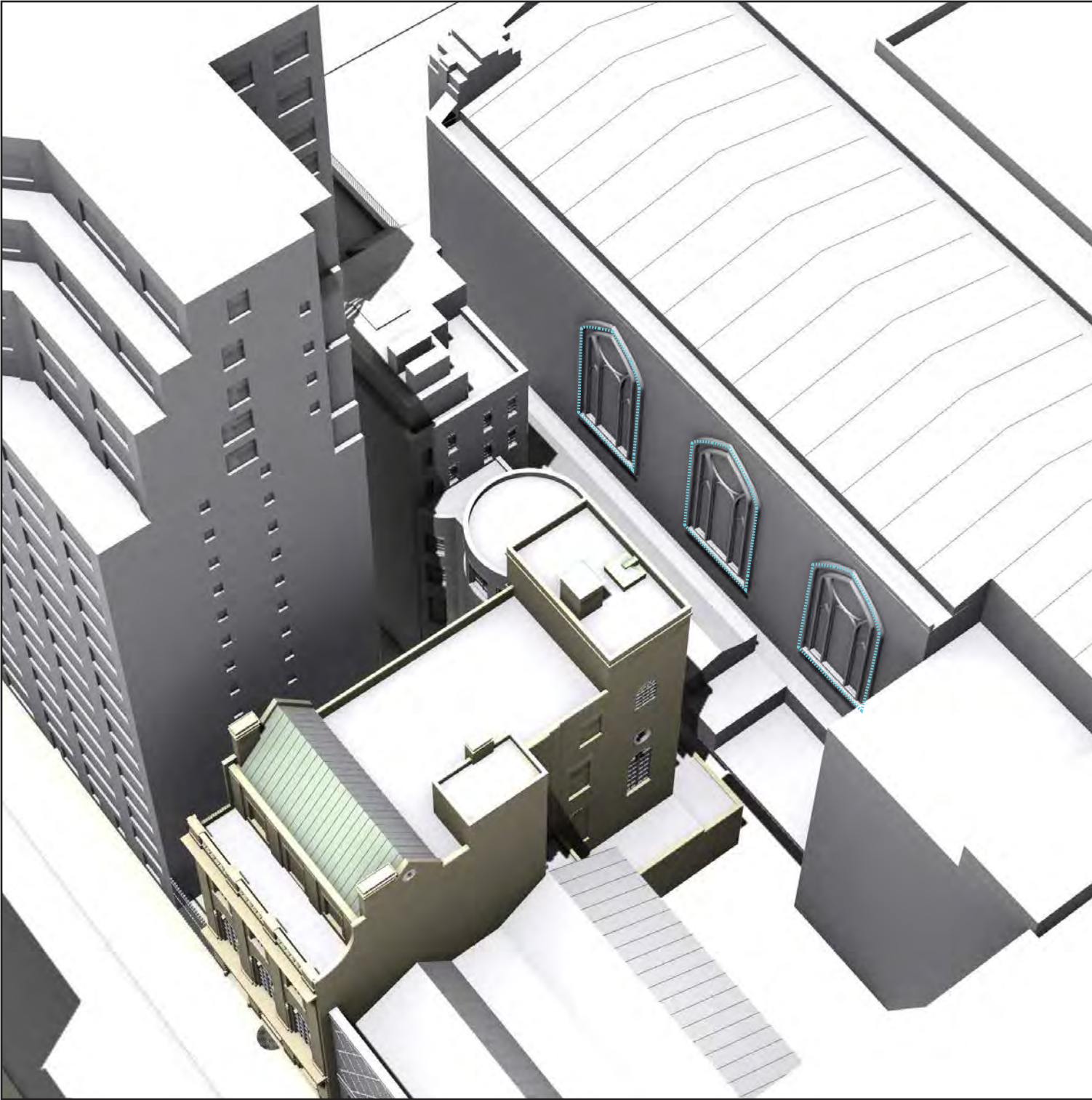
Existing Building



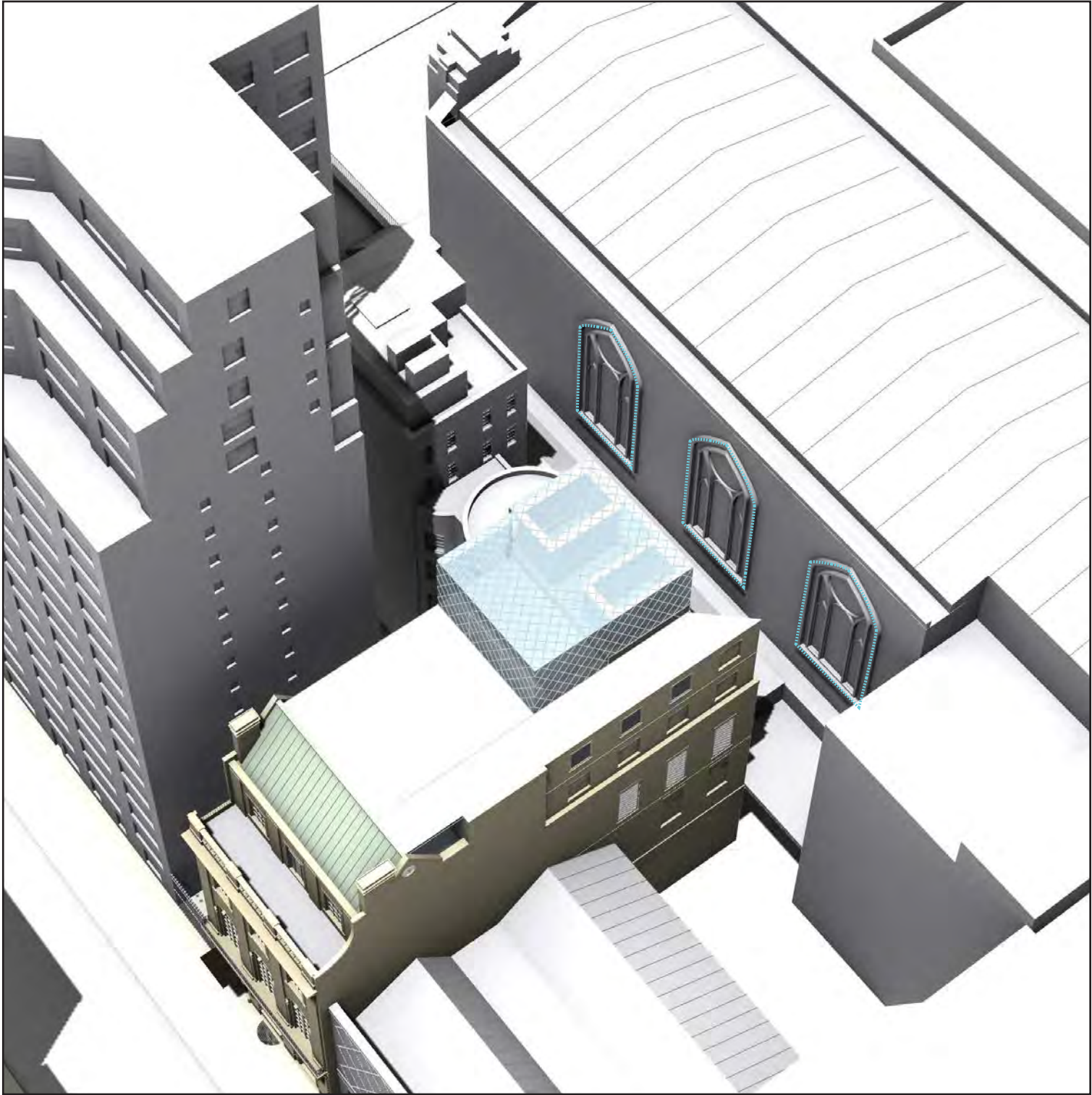
Proposed Addition

Additional Shadow Church Windows

JUNE 21, 12PM



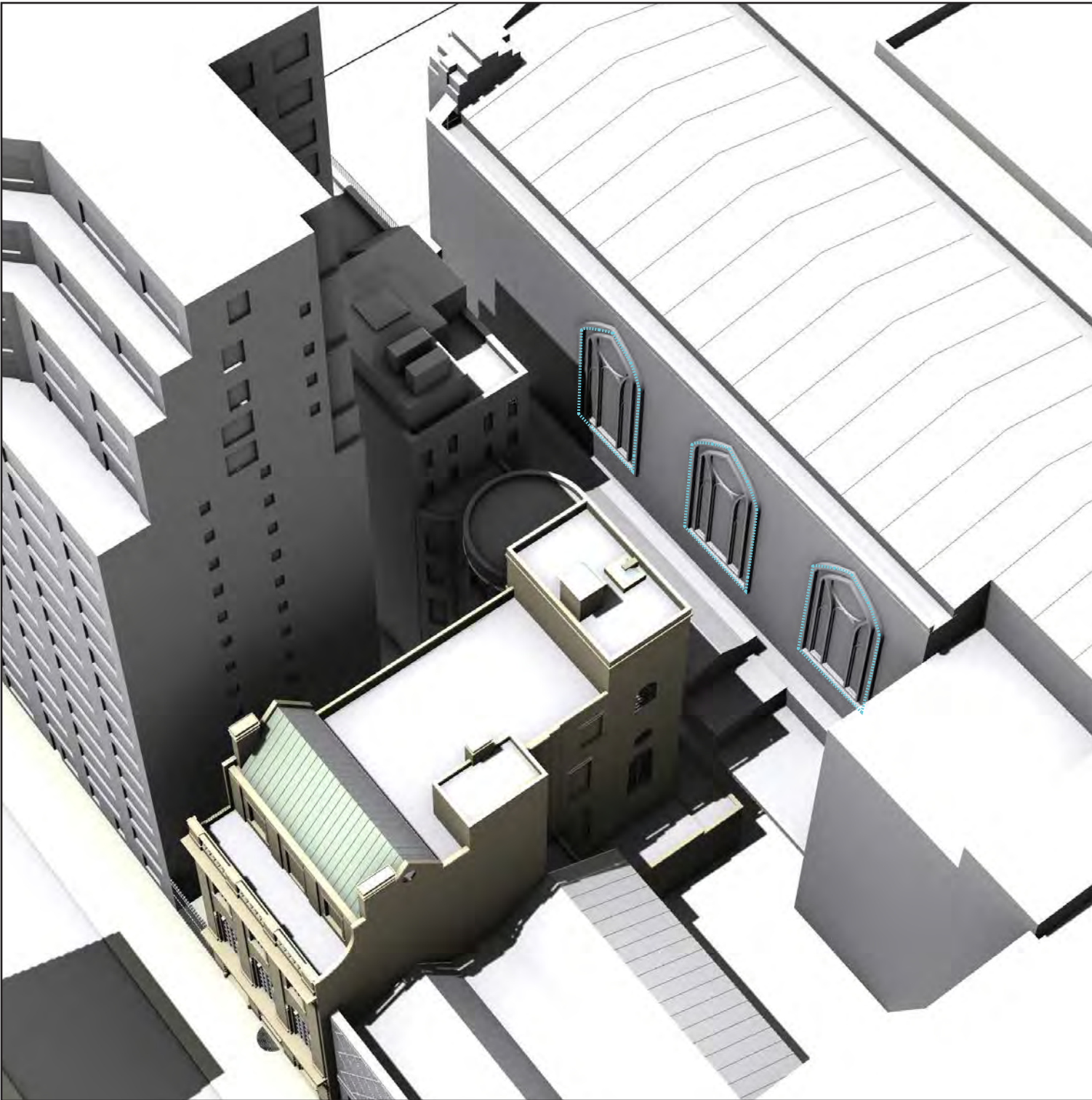
Existing Building



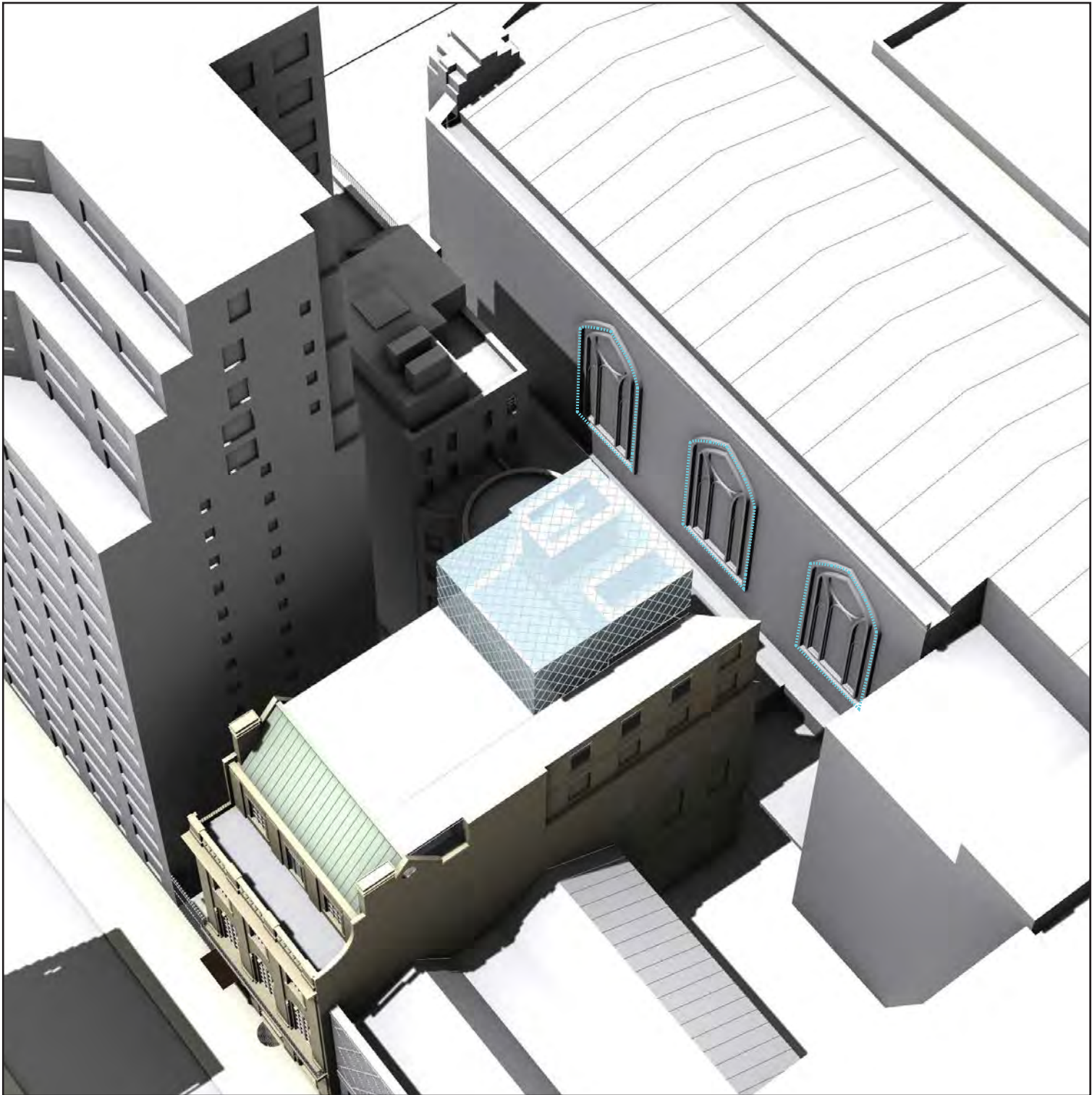
Proposed Addition

Additional Shadow Church Windows

JUNE 21, 1PM



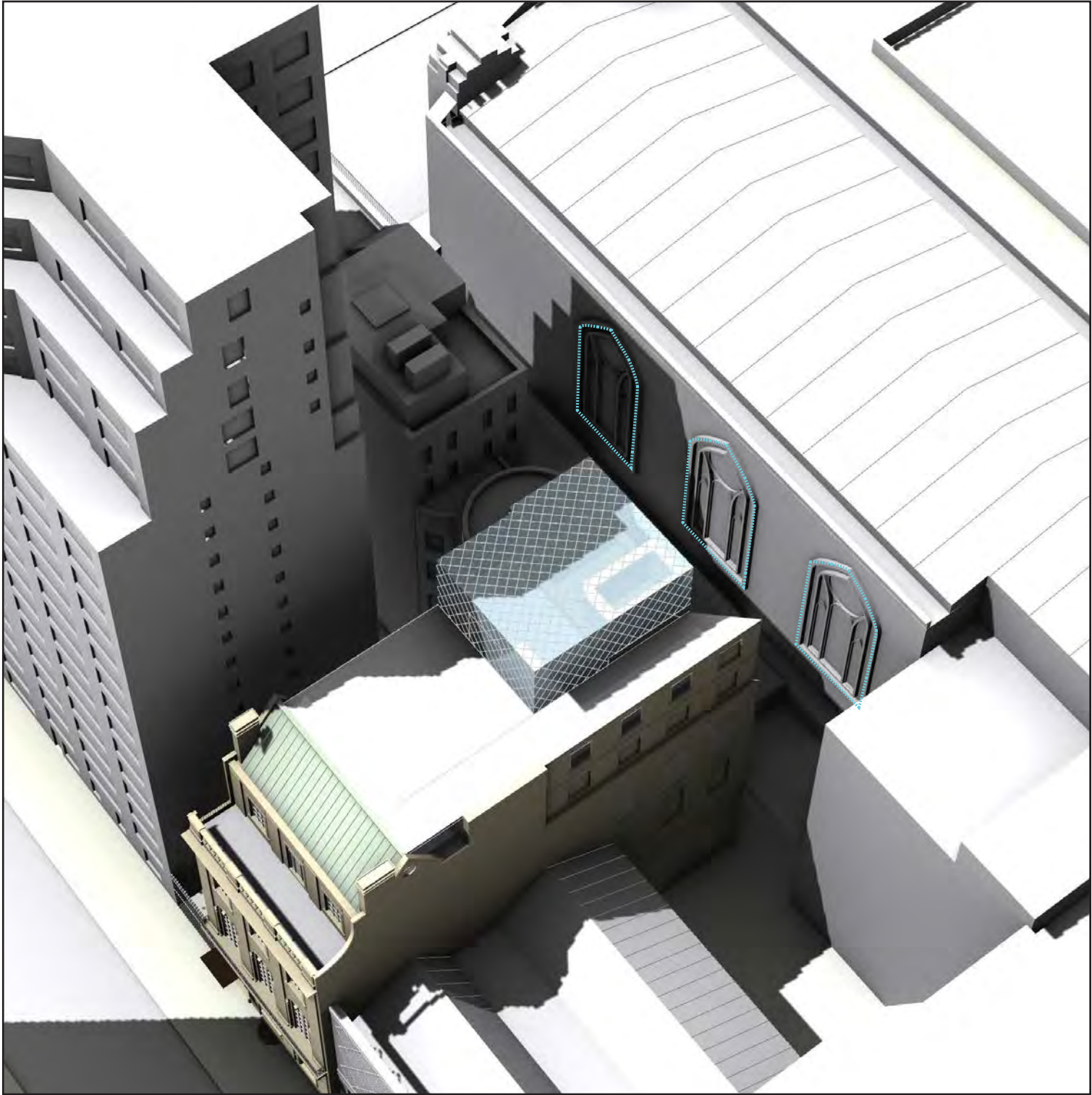
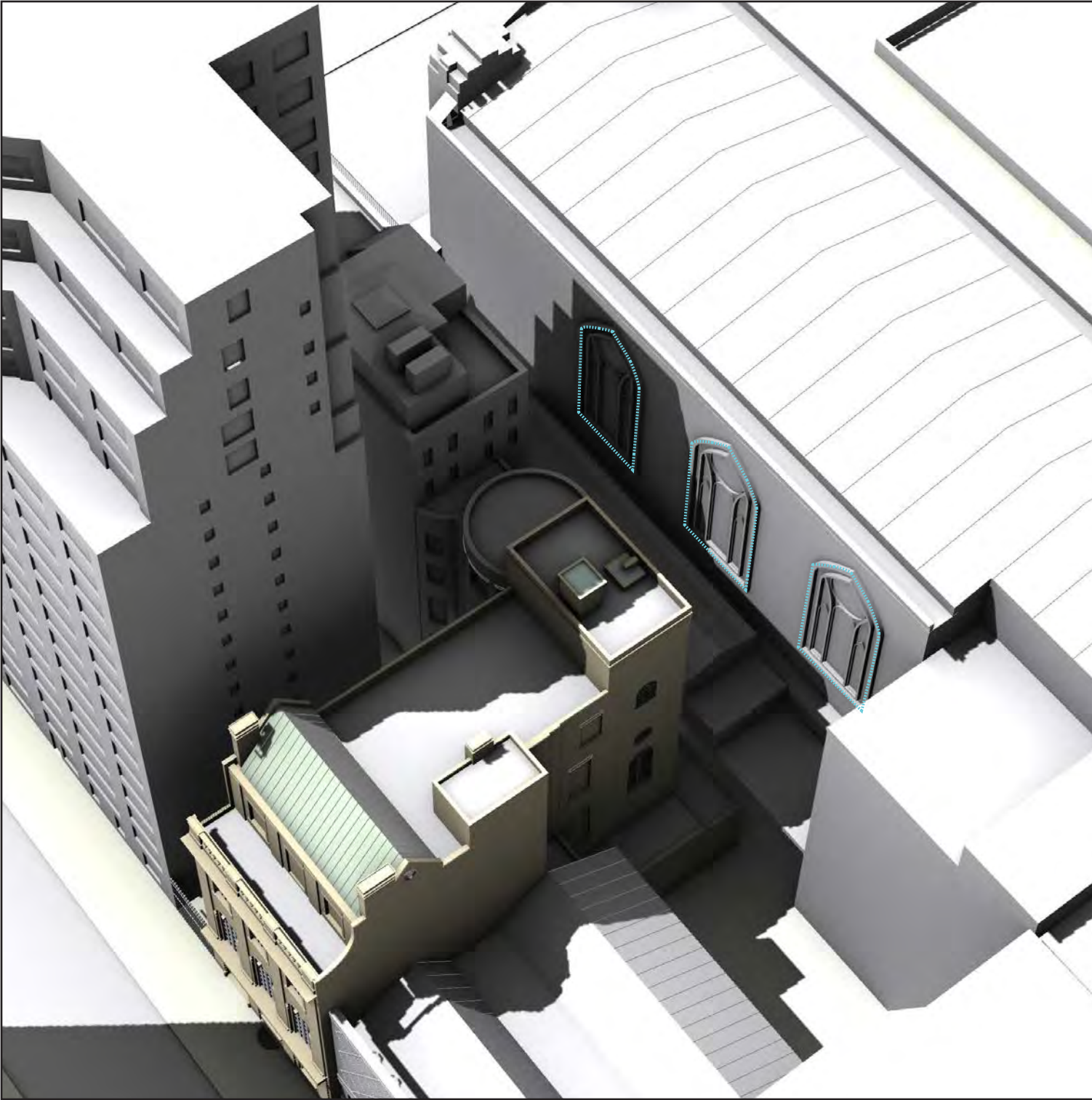
Existing Building



Proposed Addition

Additional Shadow Church Windows

JUNE 21, 2PM

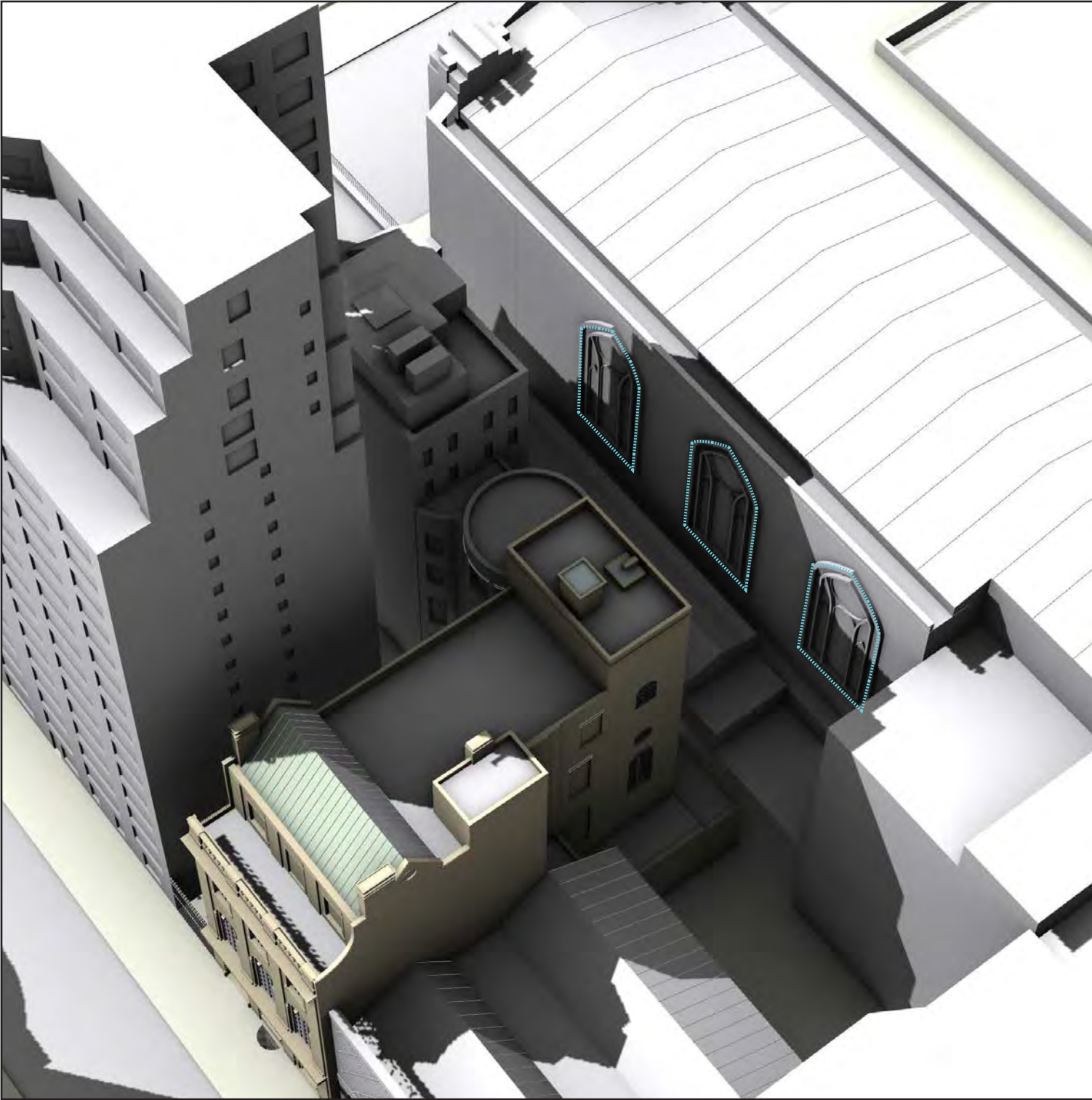


Existing Building

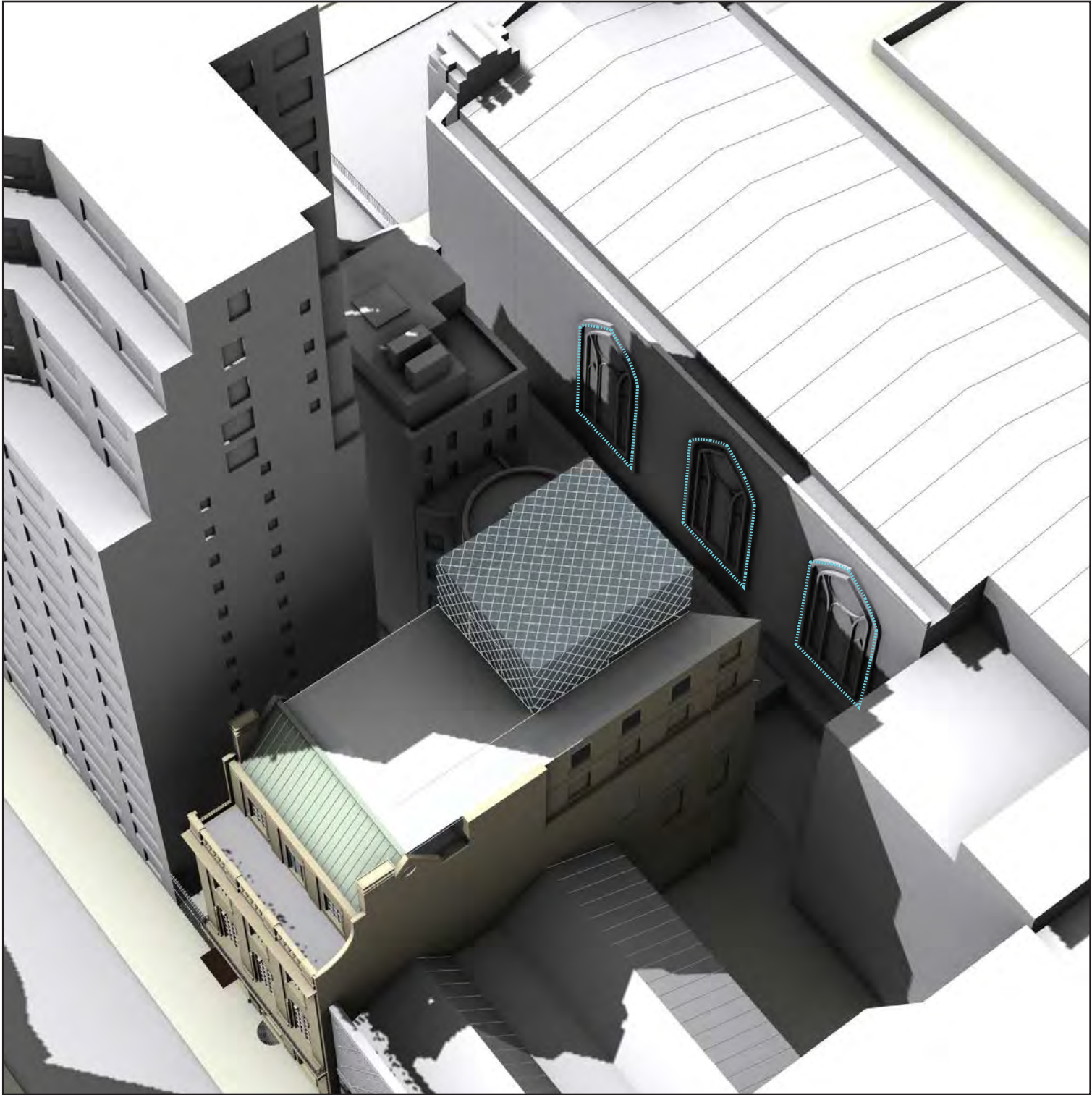
Proposed Addition

Additional Shadow Church Windows

JUNE 21, 3PM



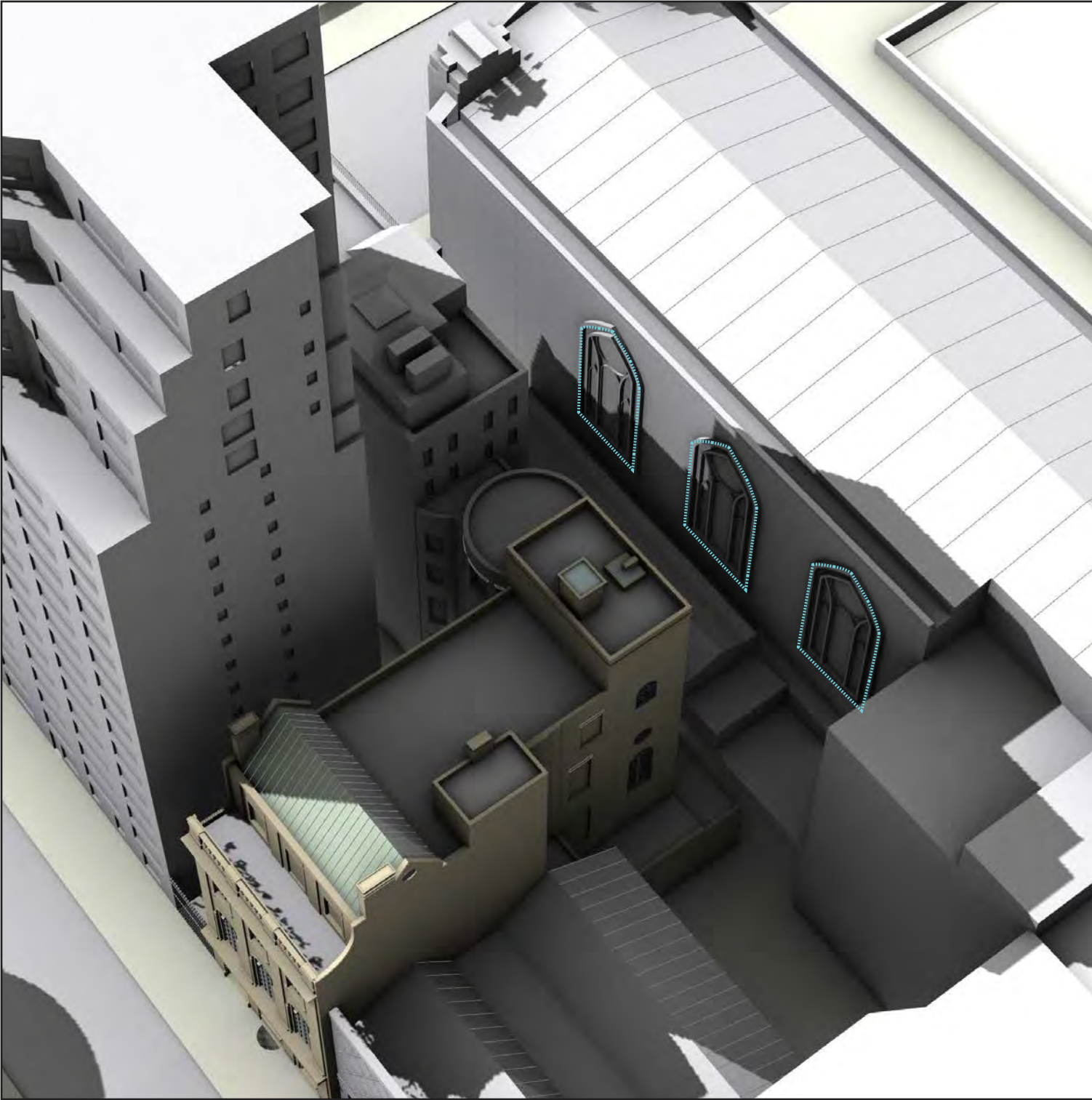
Existing Building



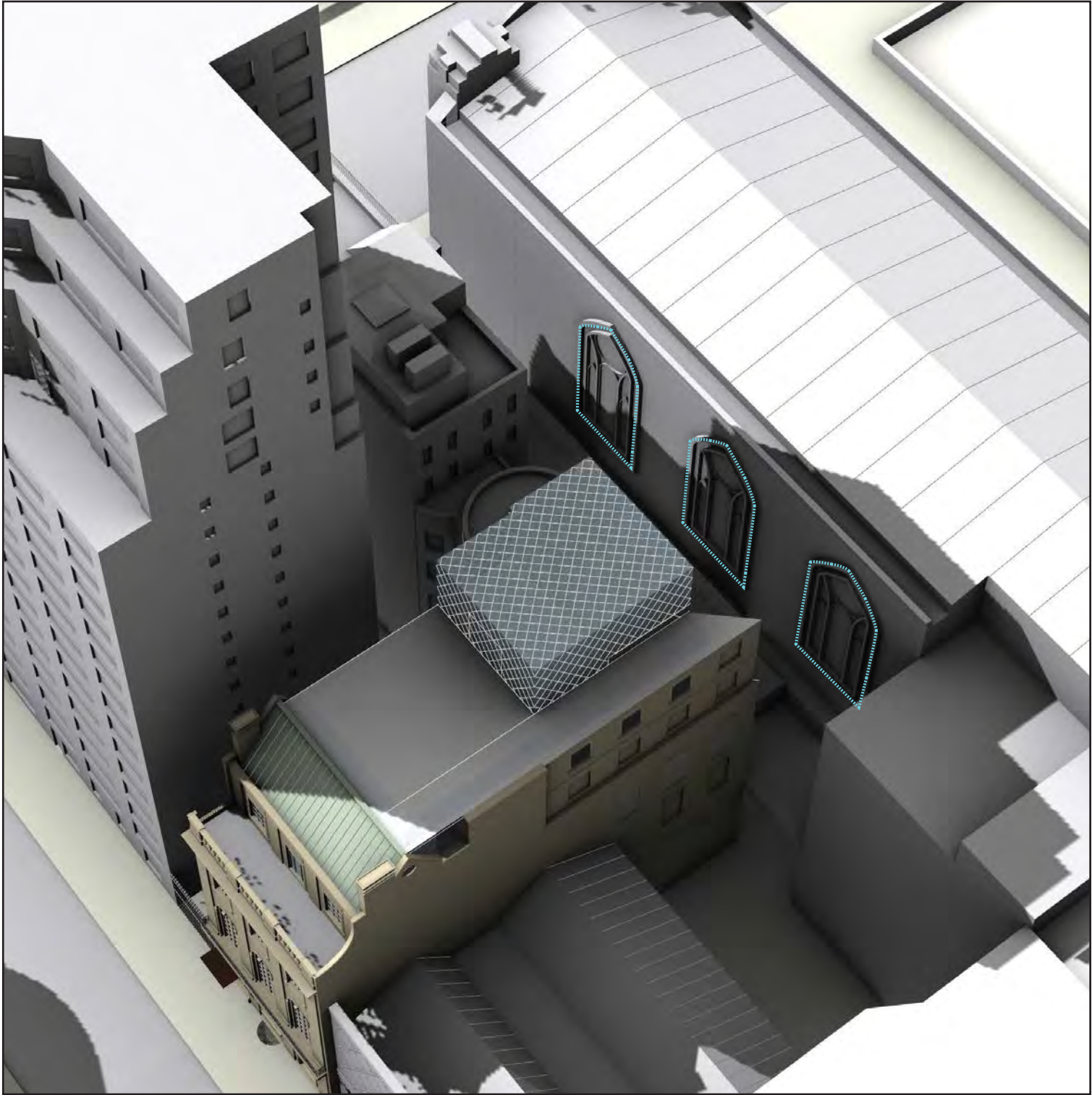
Proposed Addition

Additional Shadow Church Windows

JUNE 21, 4PM



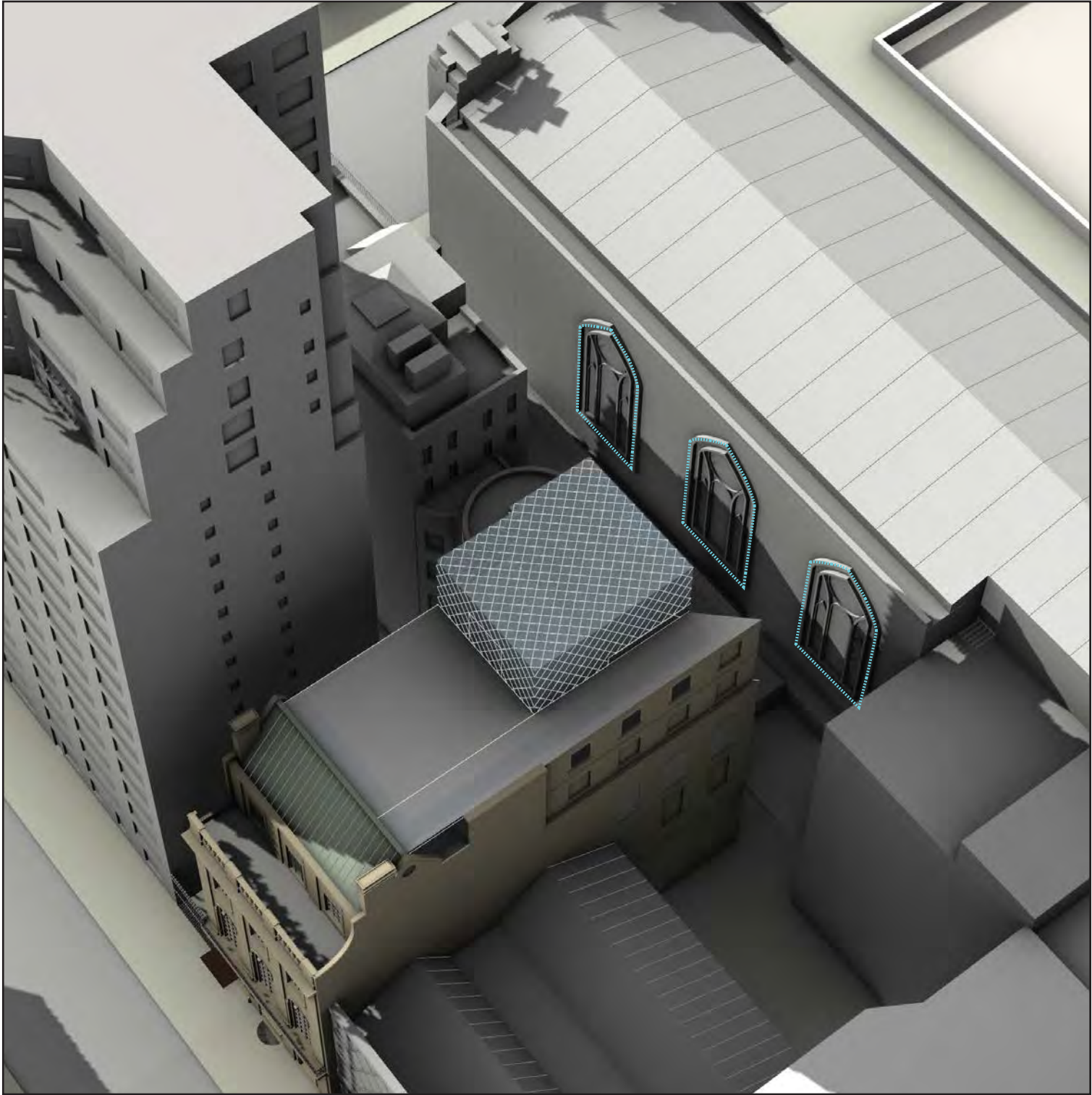
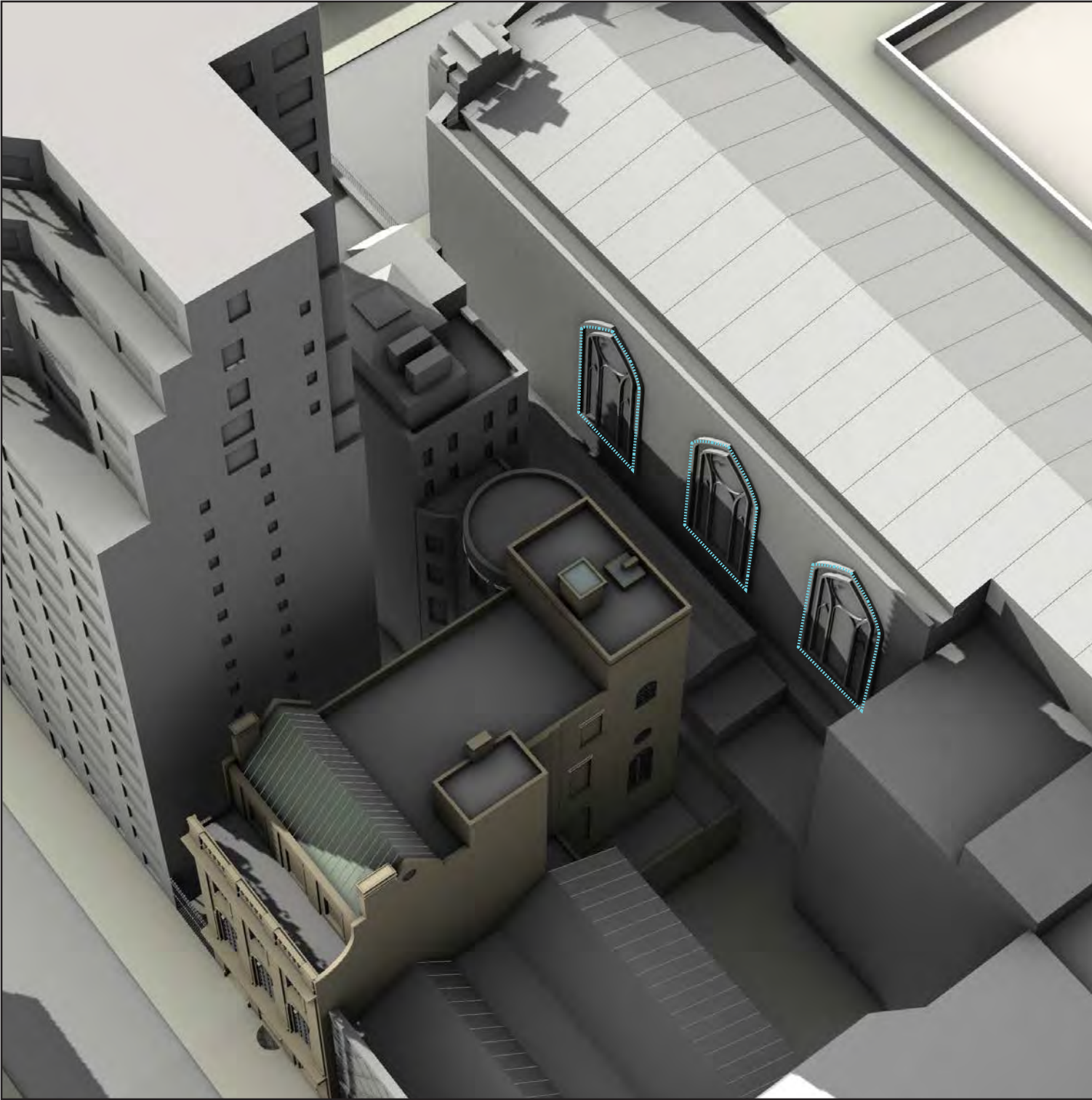
Existing Building



Proposed Addition

Additional Shadow Church Windows

JUNE 21, 5PM

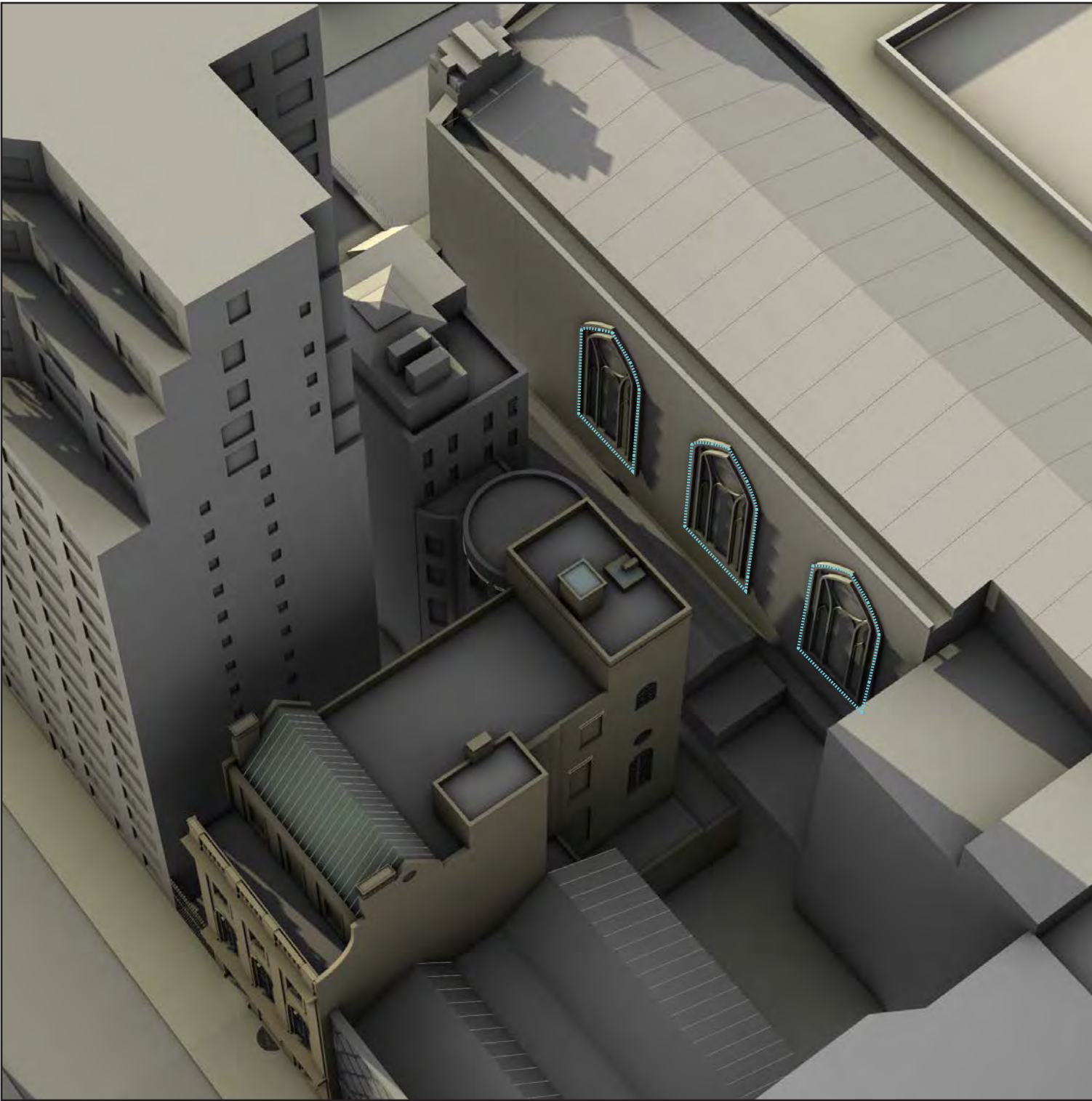


Existing Building

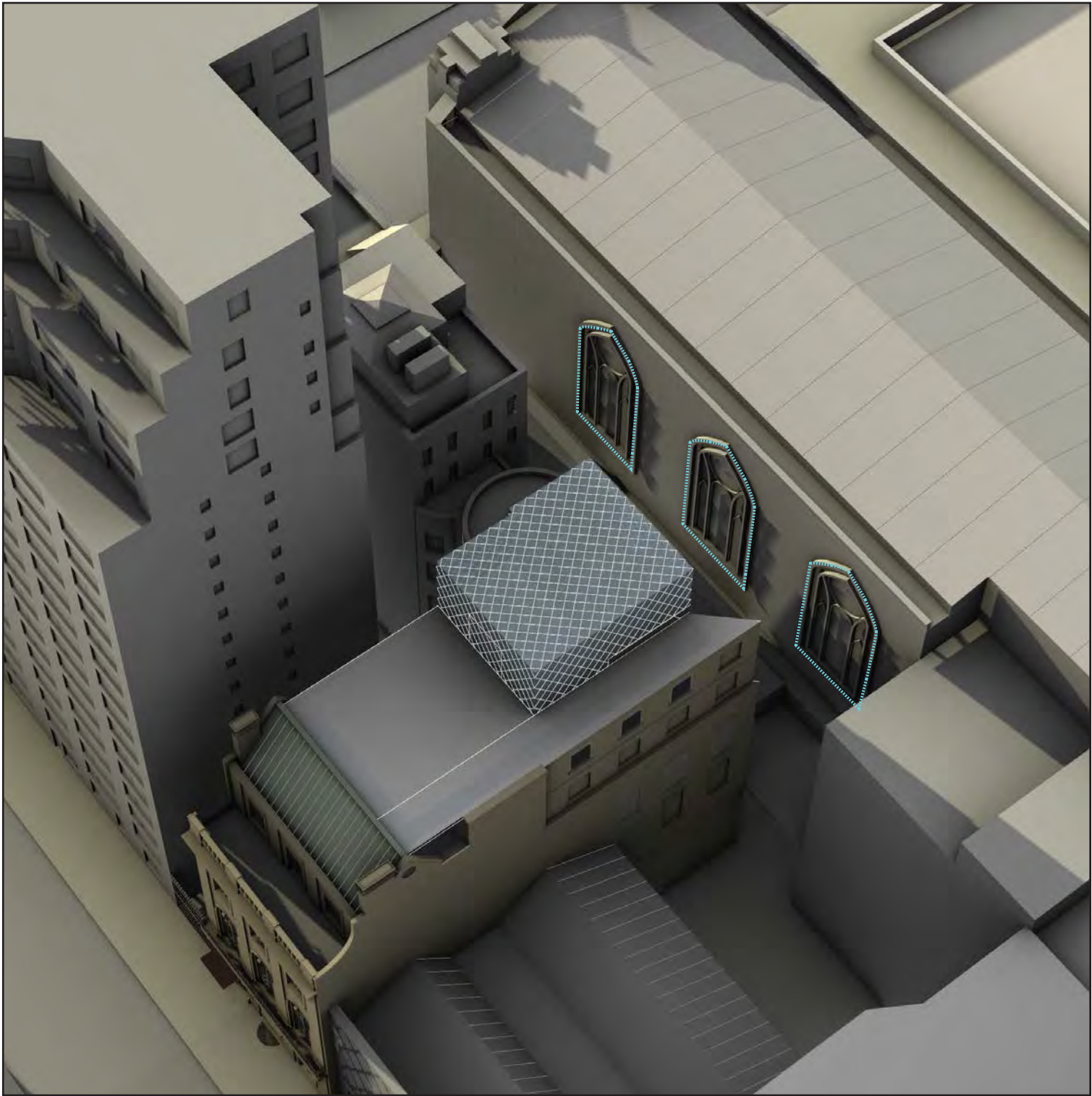
Proposed Addition

Additional Shadow Church Windows

JUNE 21, 6PM



Existing Building



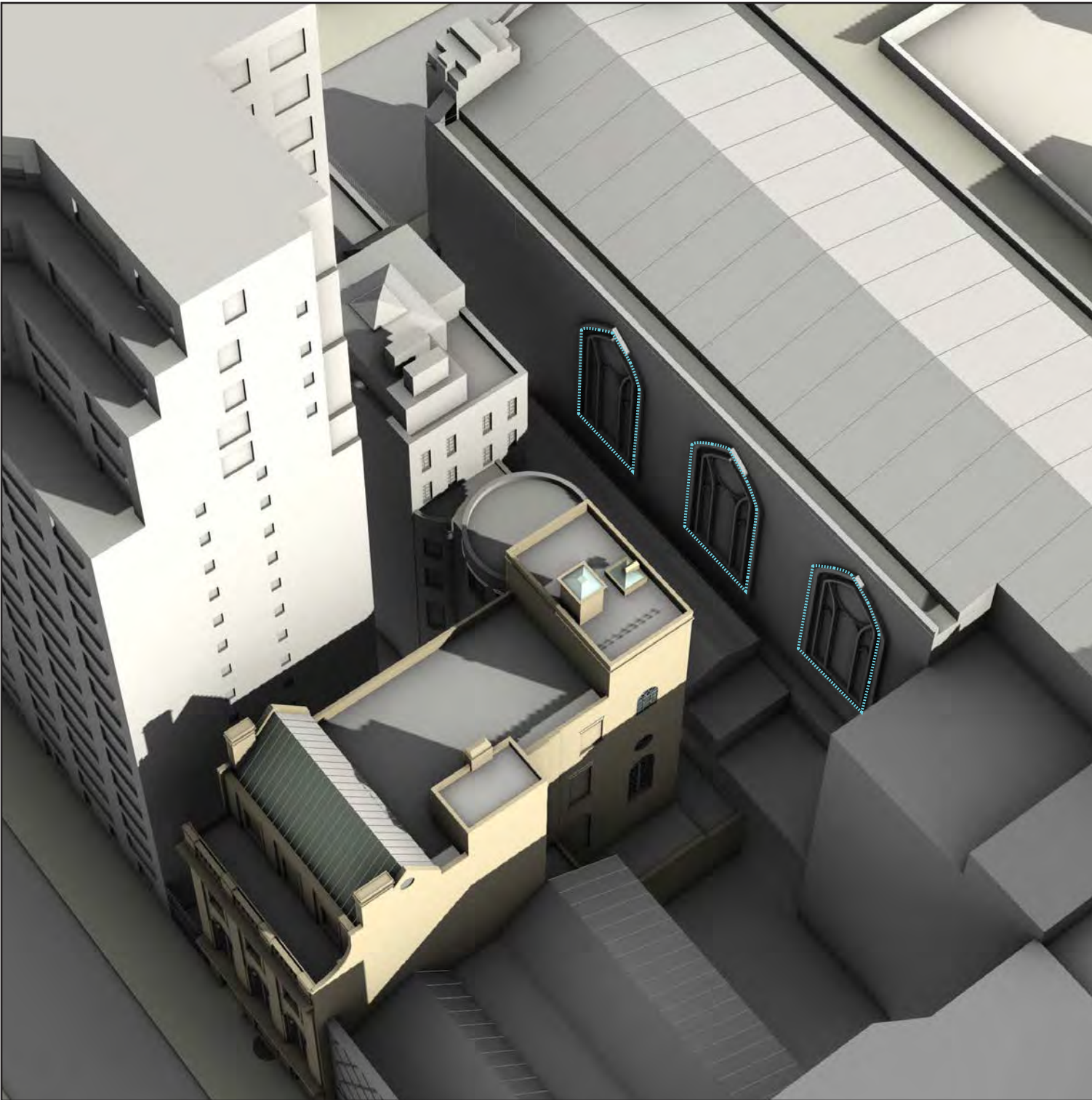
Proposed Addition

Additional Shadow Church Windows

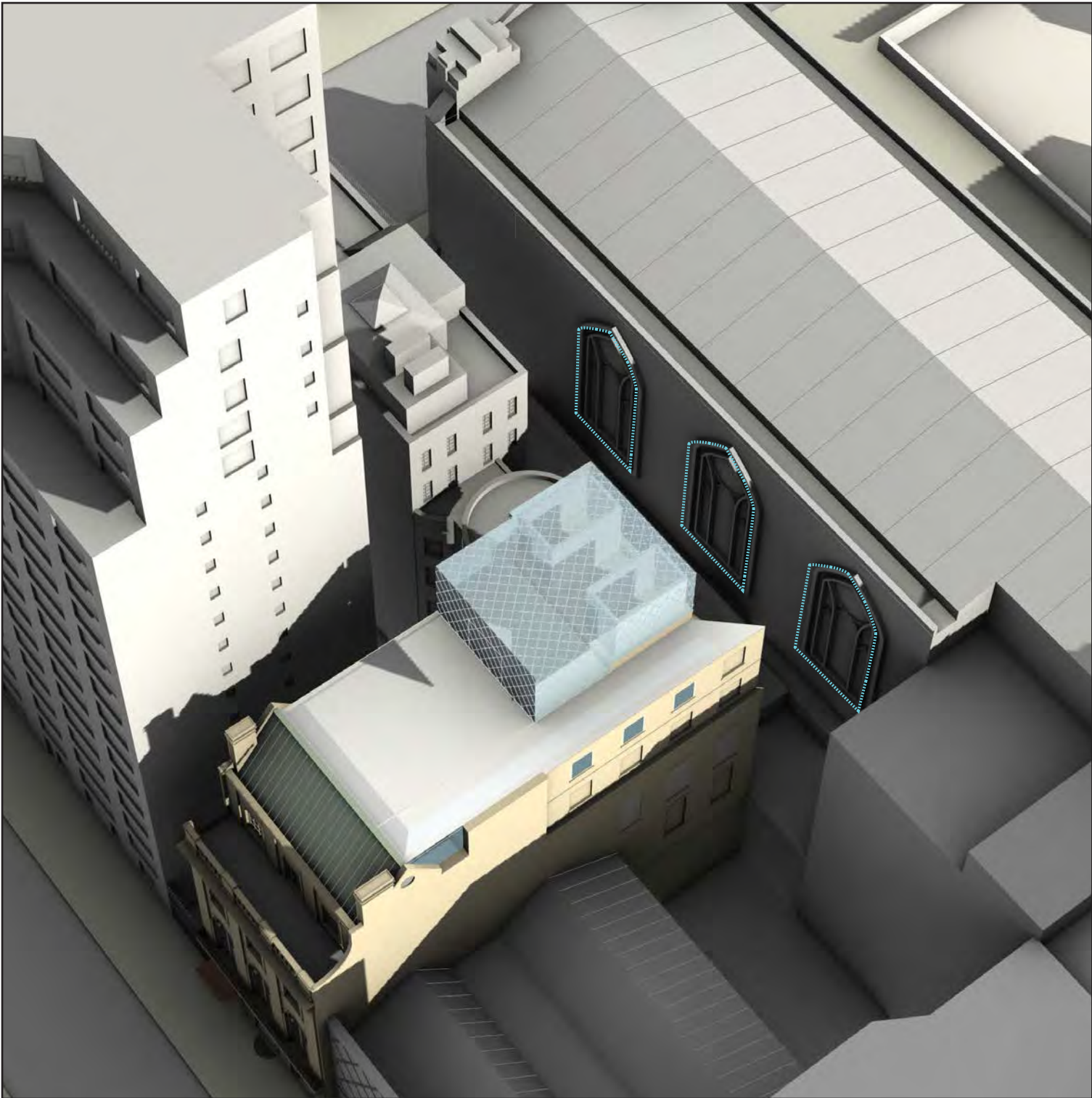
SHADOW STUDY
AUGUST 6

SUN HALFWAY BETWEEN SUMMER SOLSTICE AND EQUINOX

AUGUST 6, 7AM



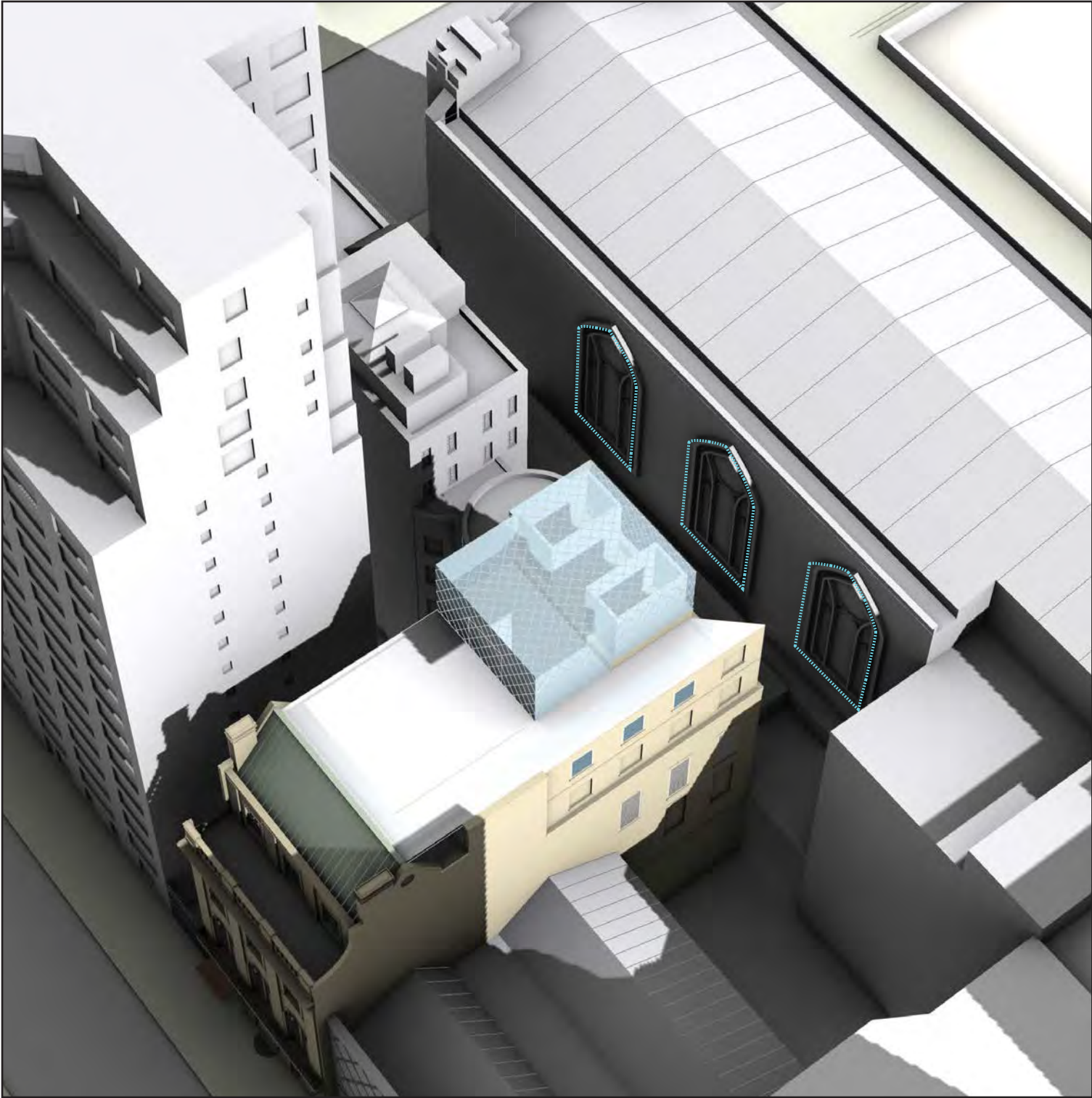
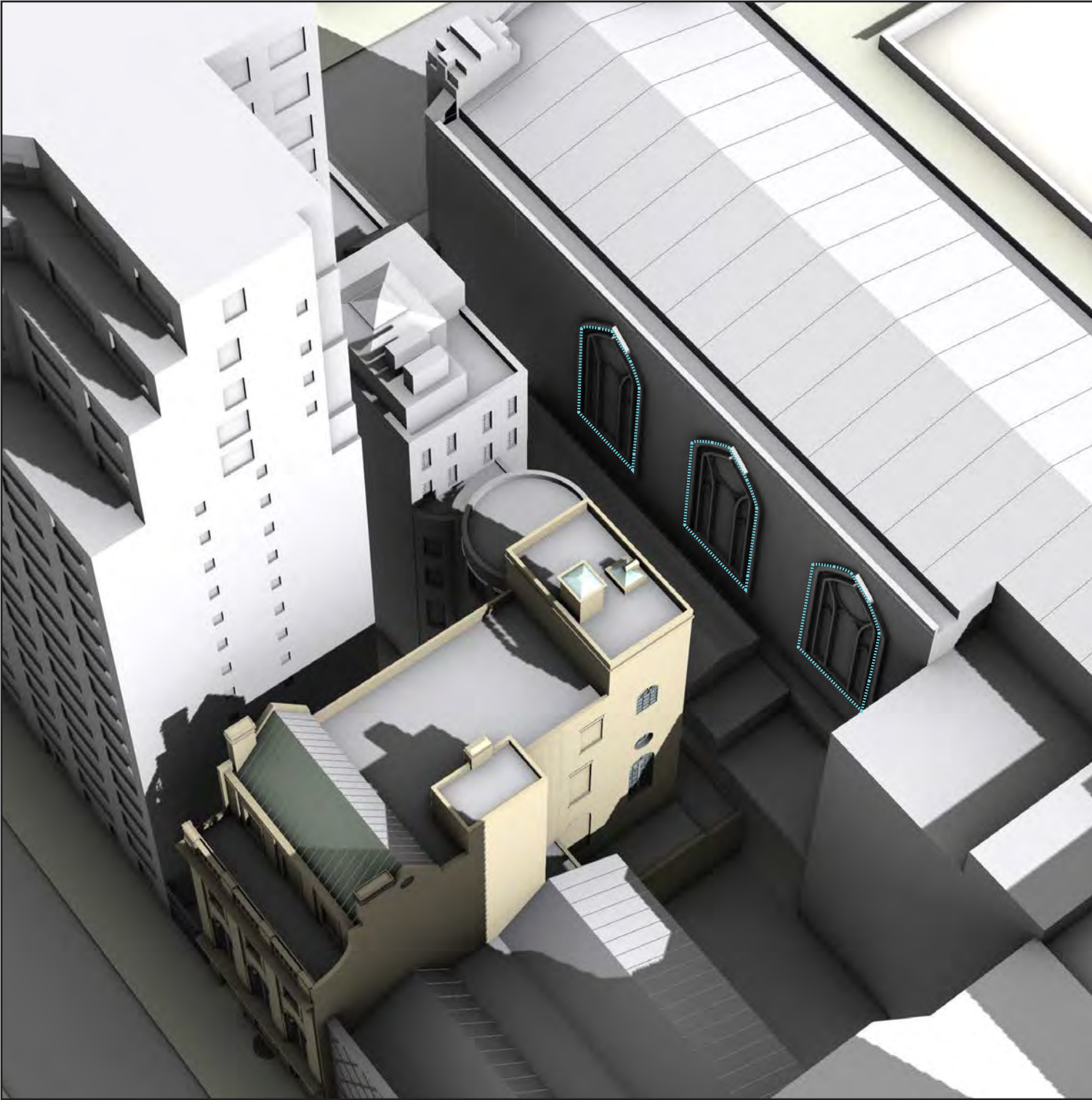
Existing Building



Proposed Addition

Additional Shadow Church Windows

AUGUST 6, 8AM

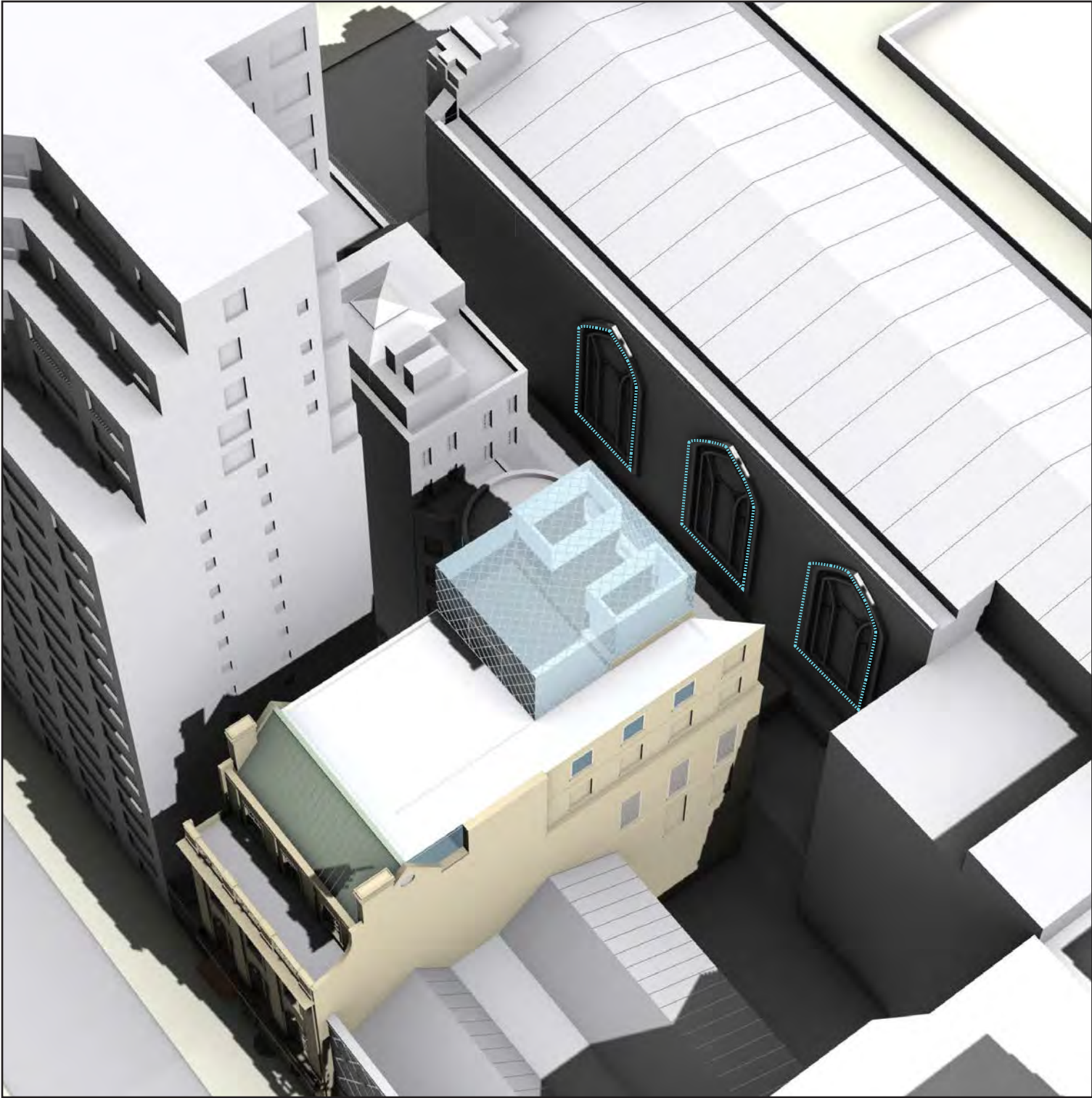
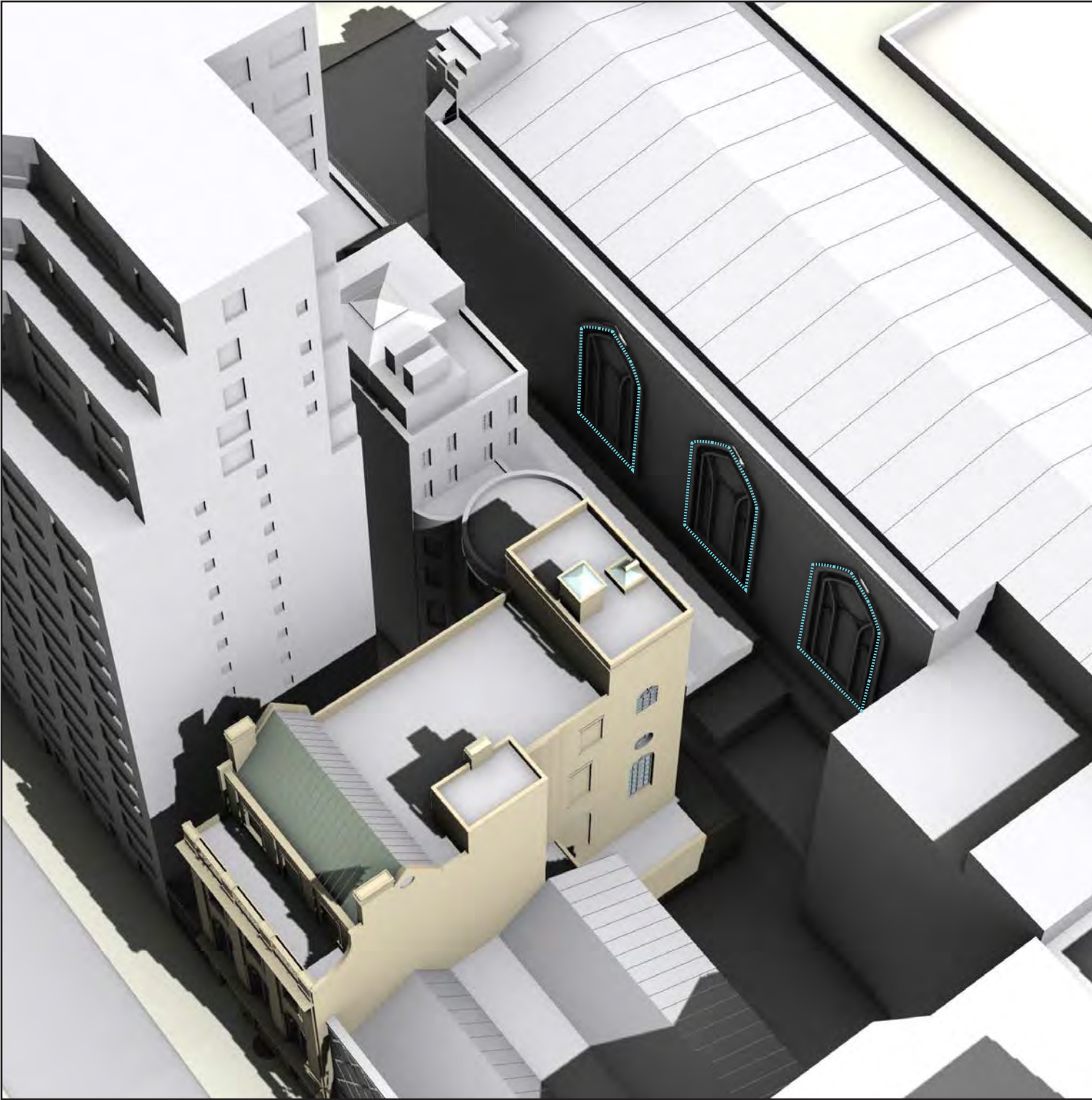


Existing Building

Proposed Addition

Additional Shadow Church Windows

AUGUST 6, 9AM

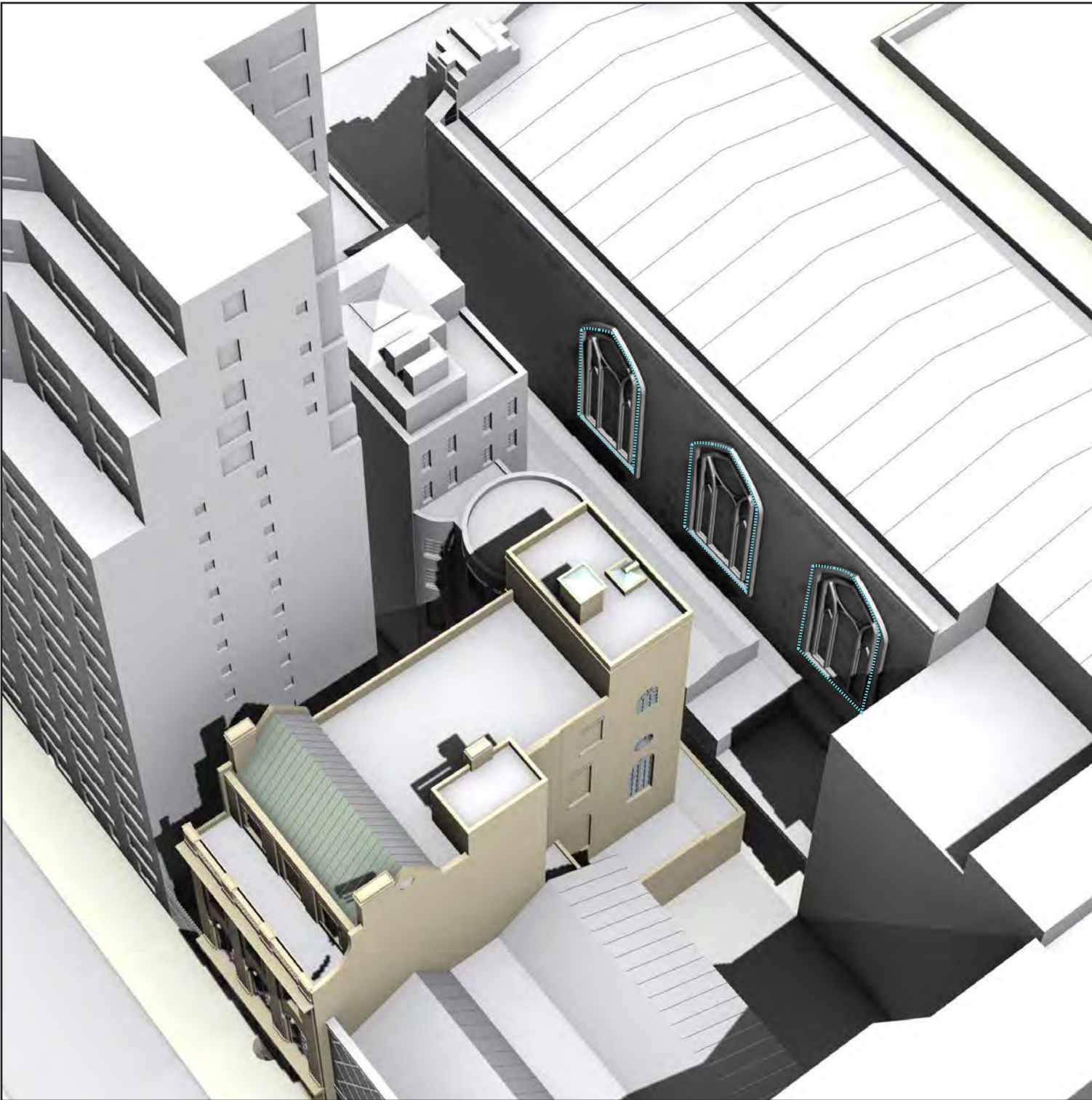


Existing Building

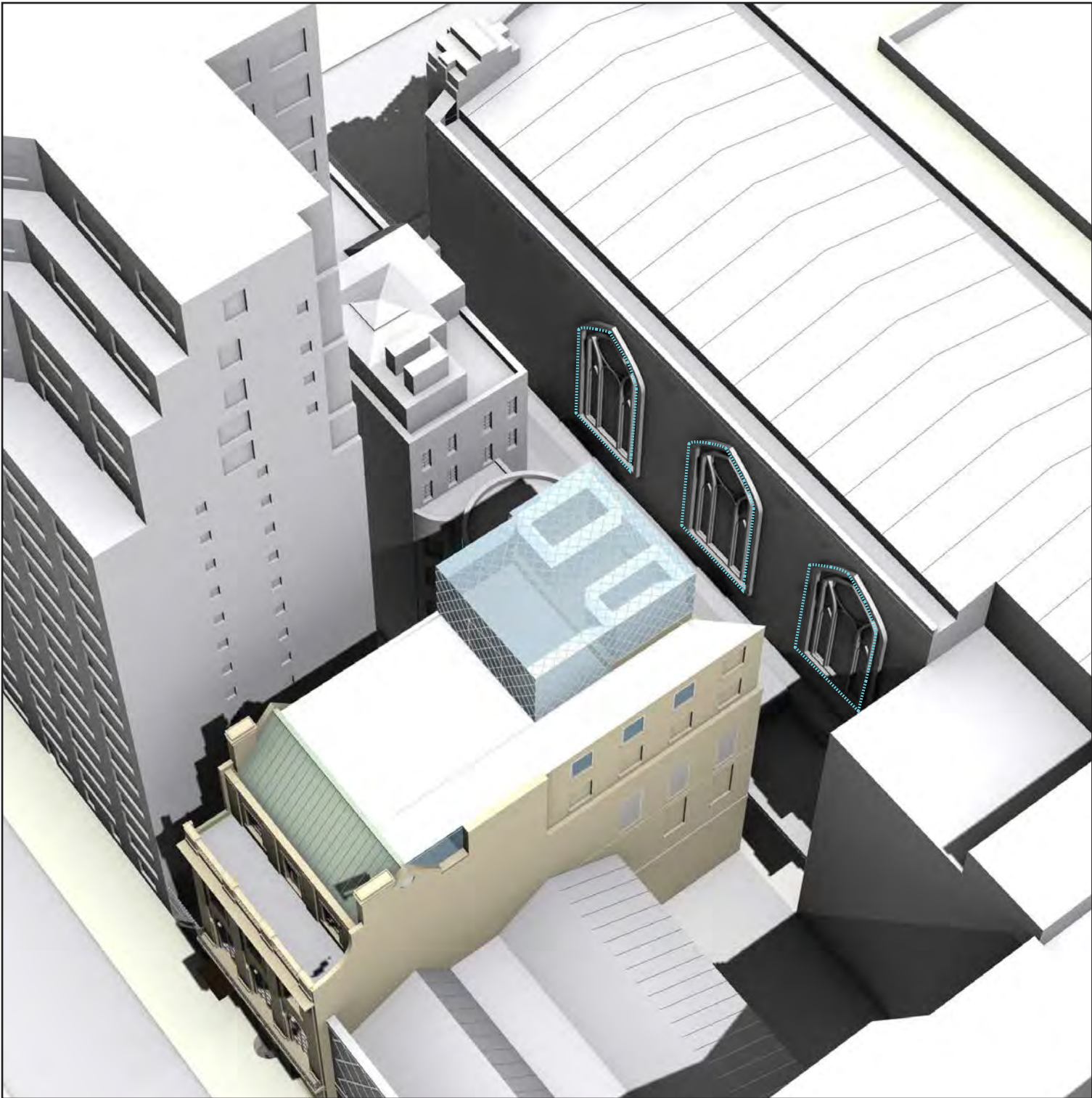
Proposed Addition

Additional Shadow Church Windows

AUGUST 6, 10AM



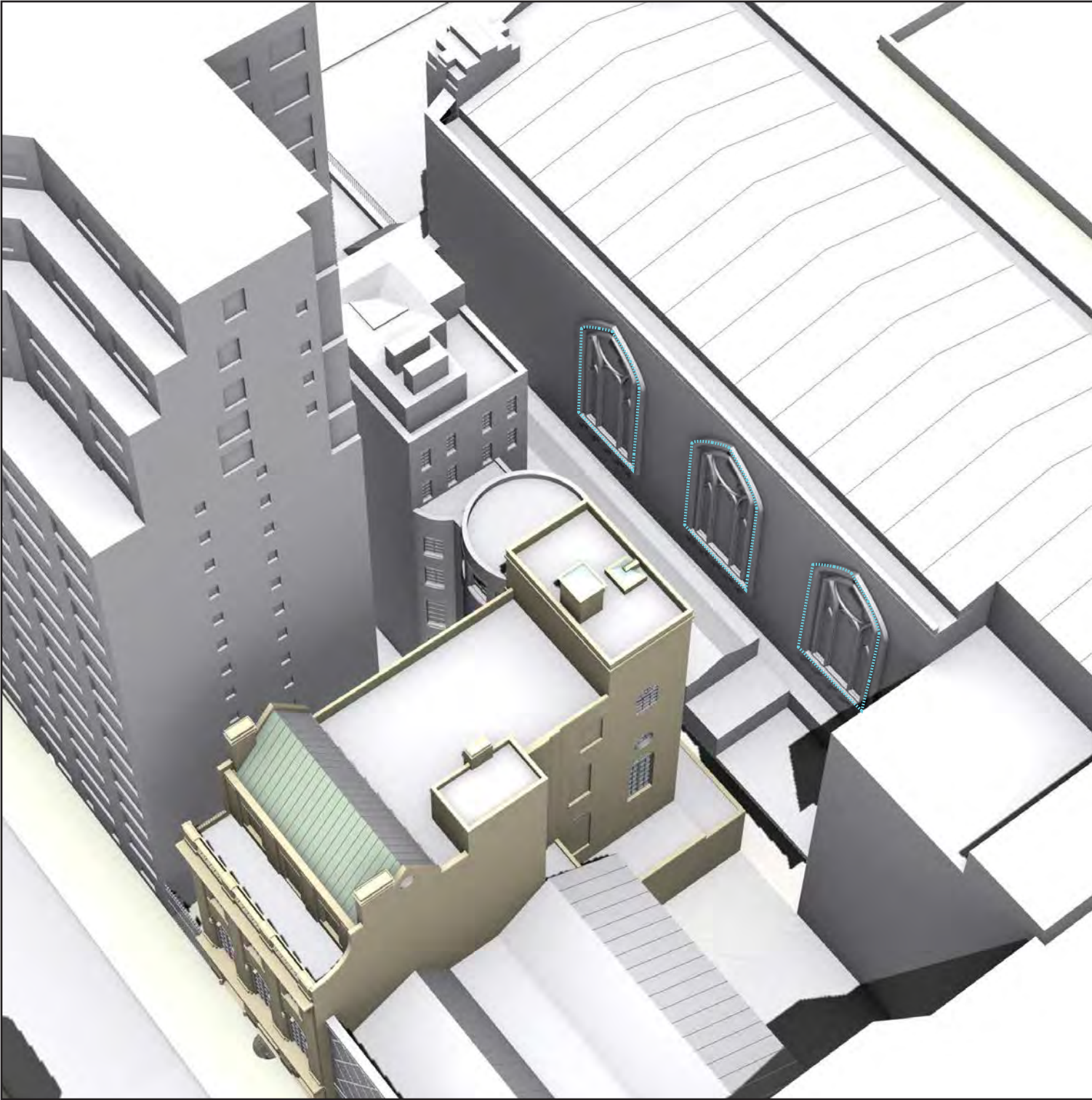
Existing Building



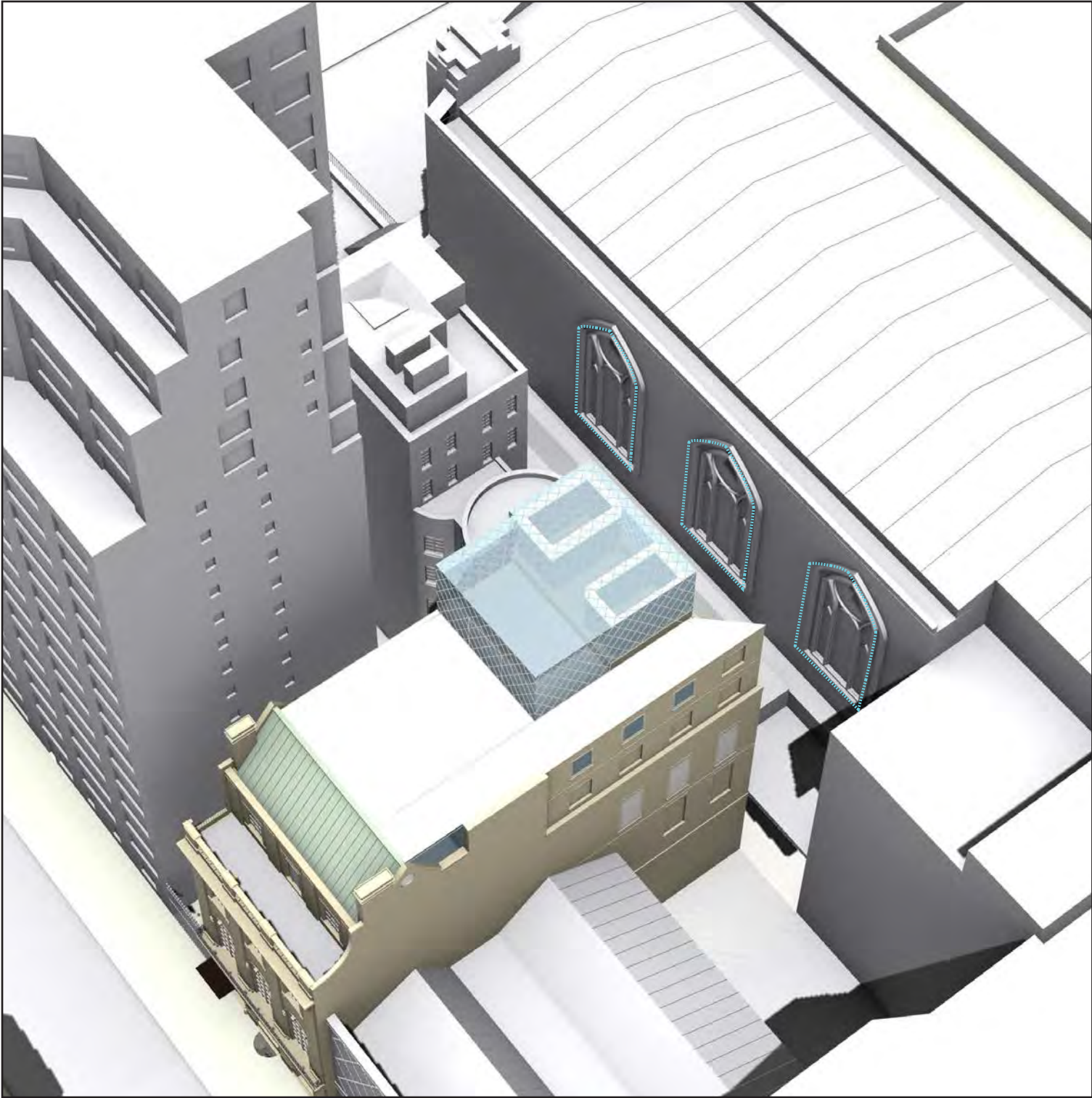
Proposed Addition

Additional Shadow Church Windows

AUGUST 6, 11AM



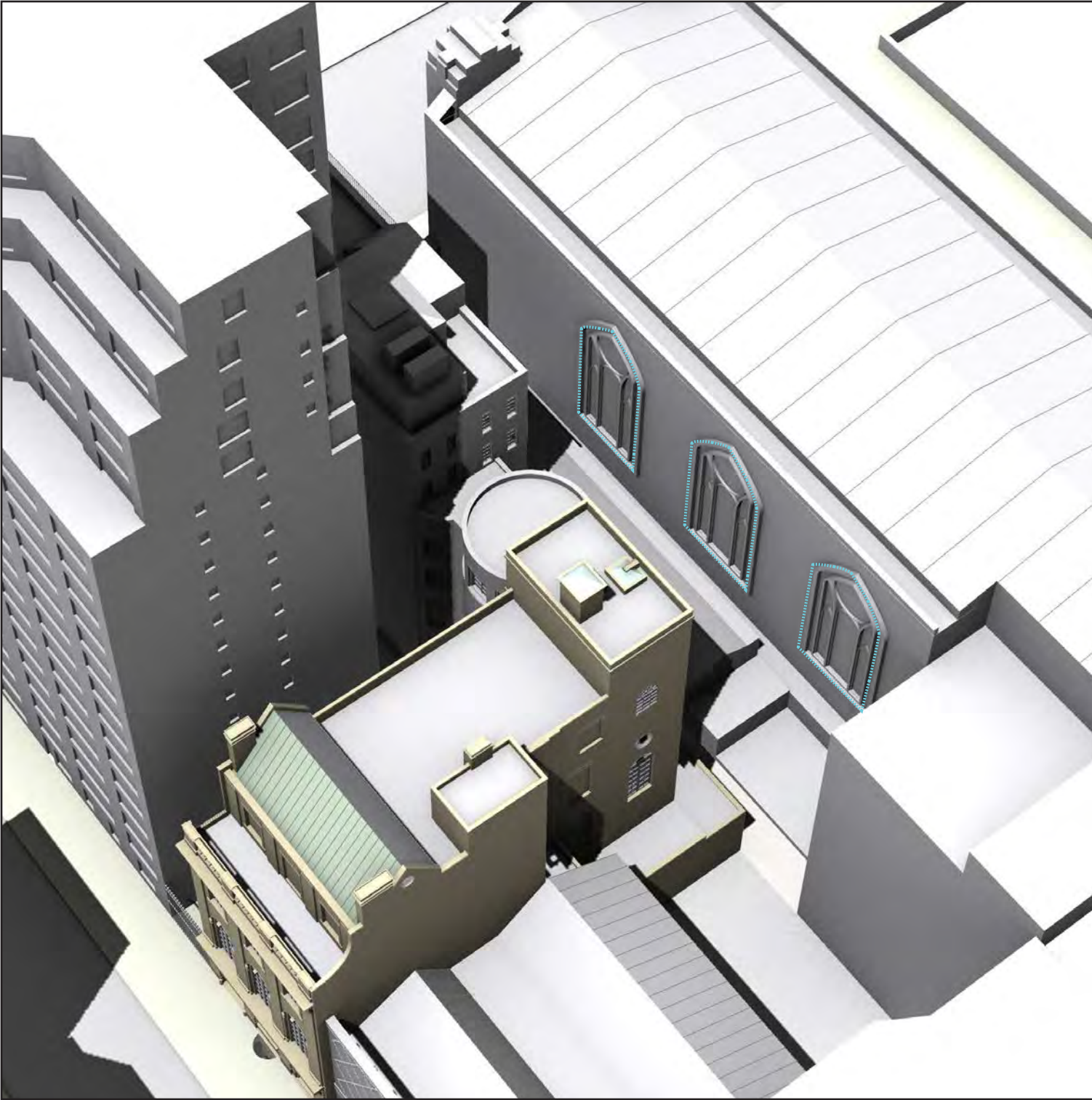
Existing Building



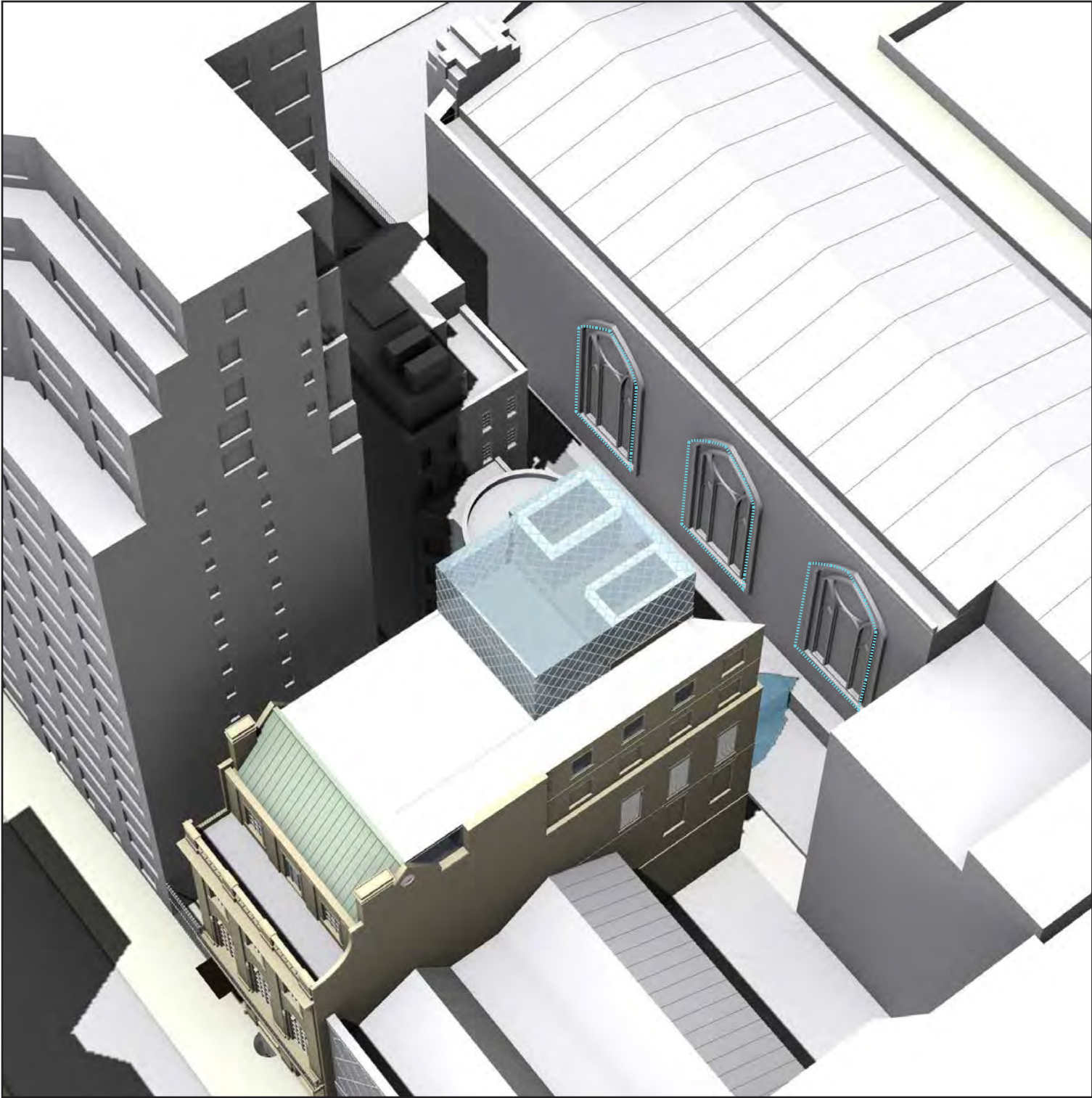
Proposed Addition

Additional Shadow Church Windows

AUGUST 6, 12PM



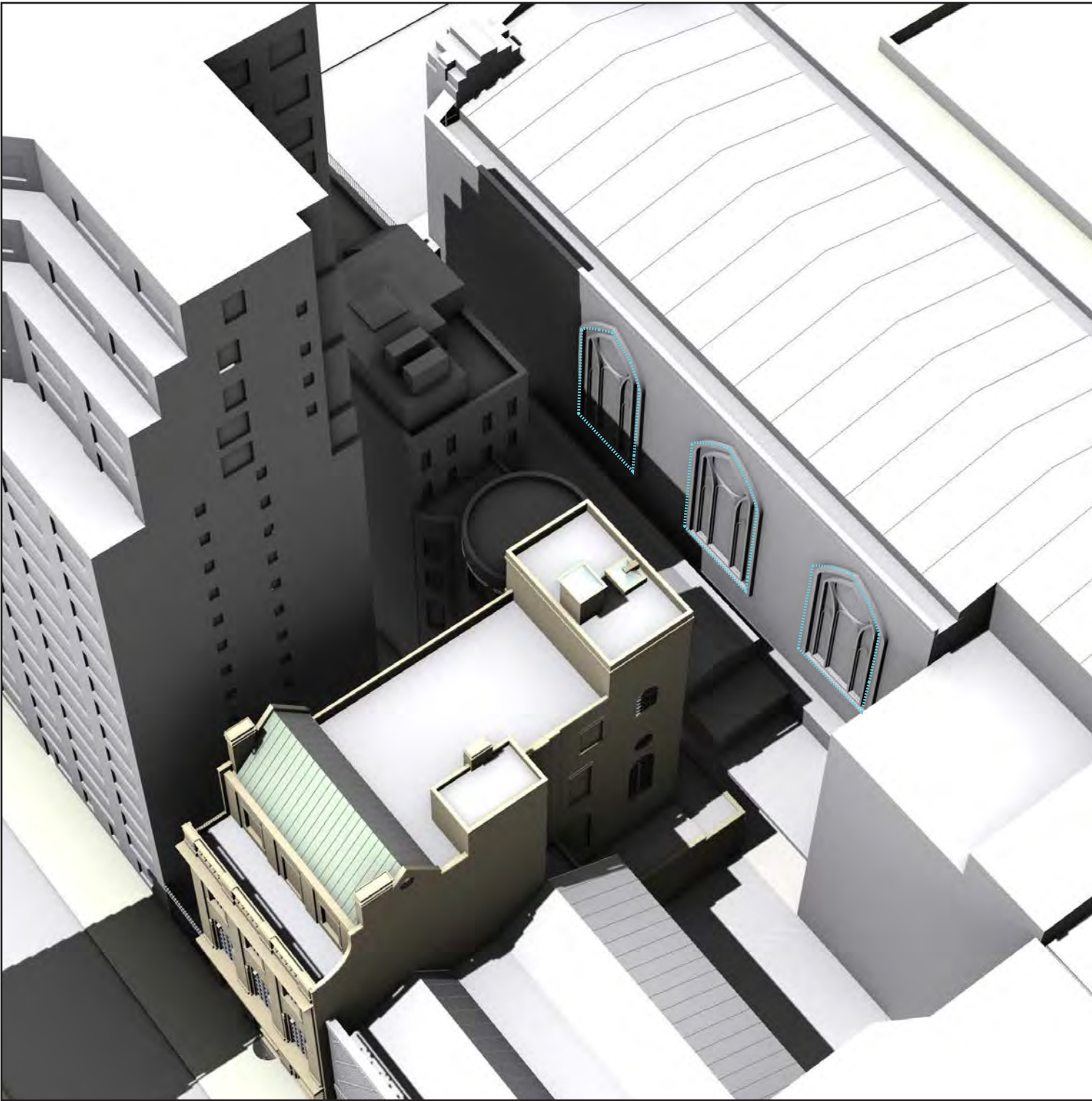
Existing Building



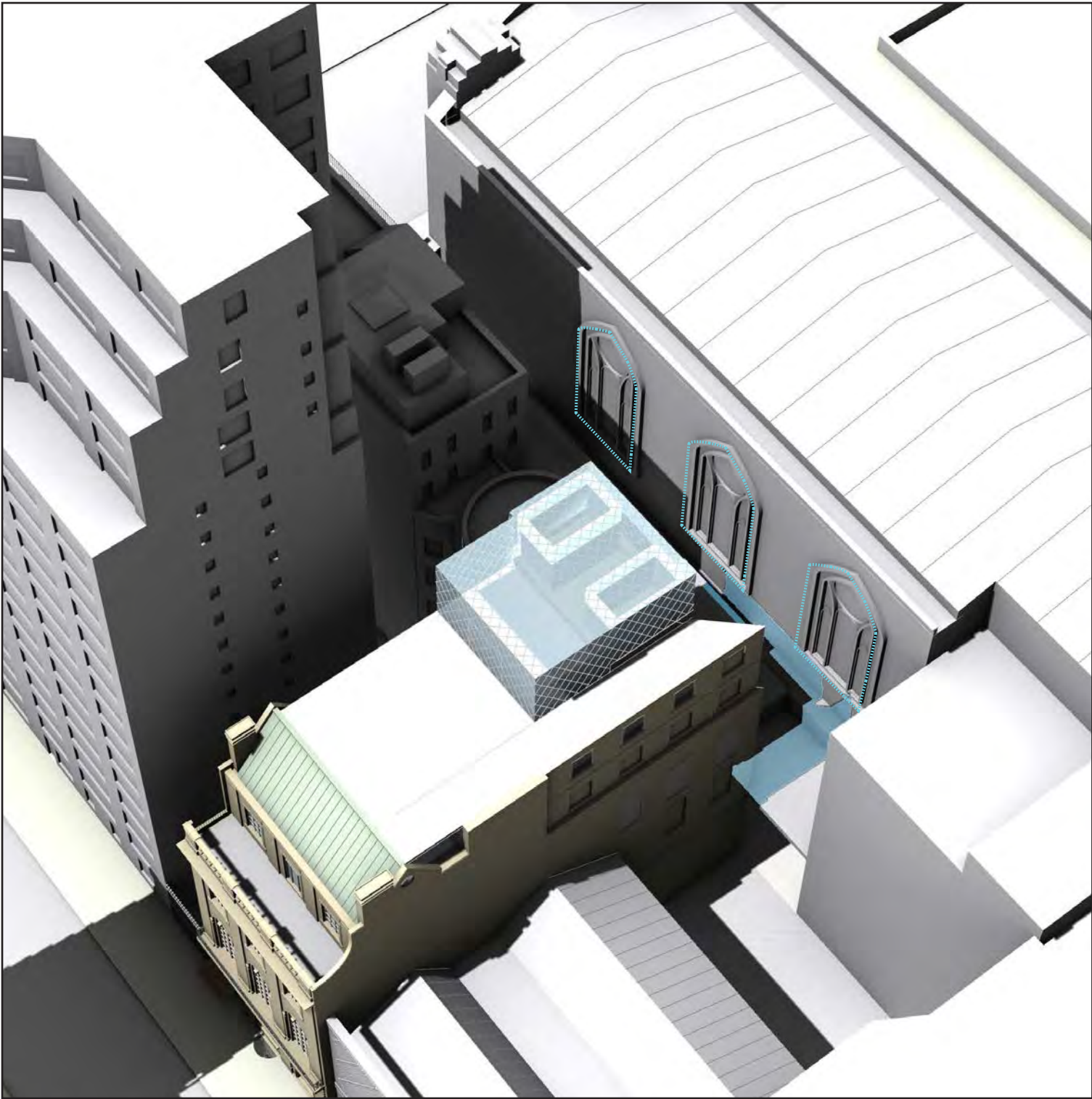
Proposed Addition

Additional Shadow Church Windows

AUGUST 6, 1PM



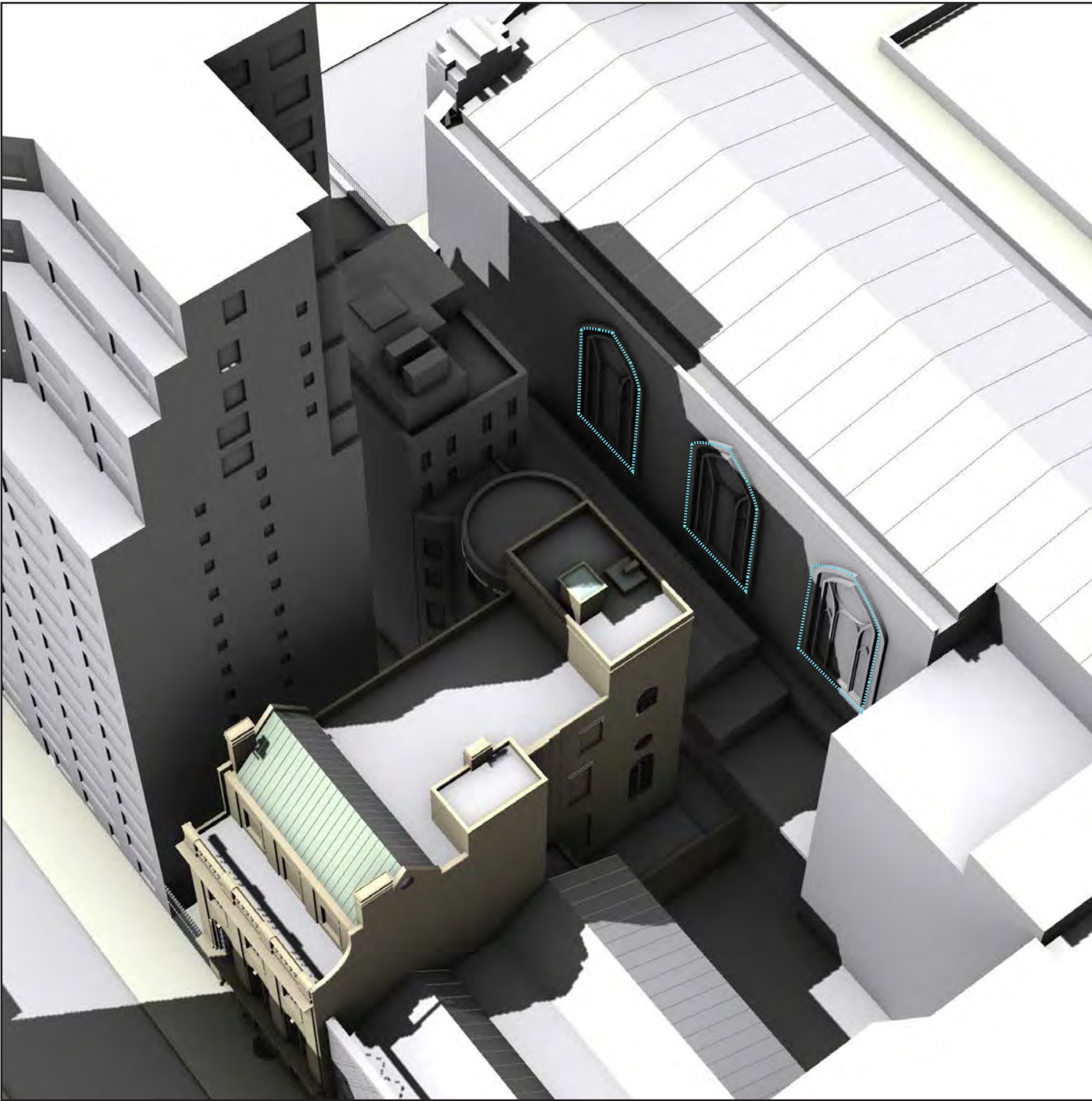
Existing Building



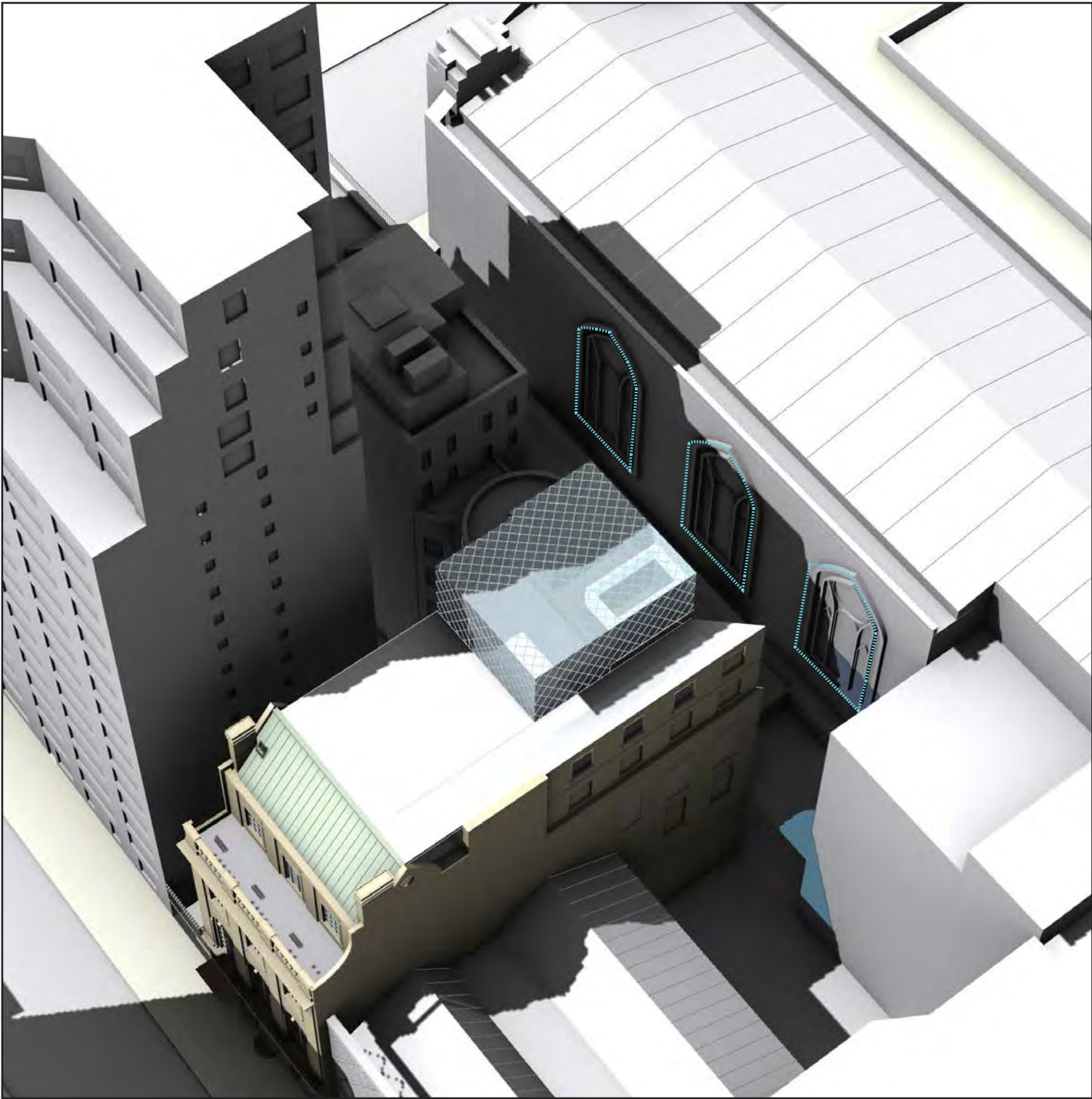
Proposed Addition

Additional Shadow Church Windows

AUGUST 6, 2PM



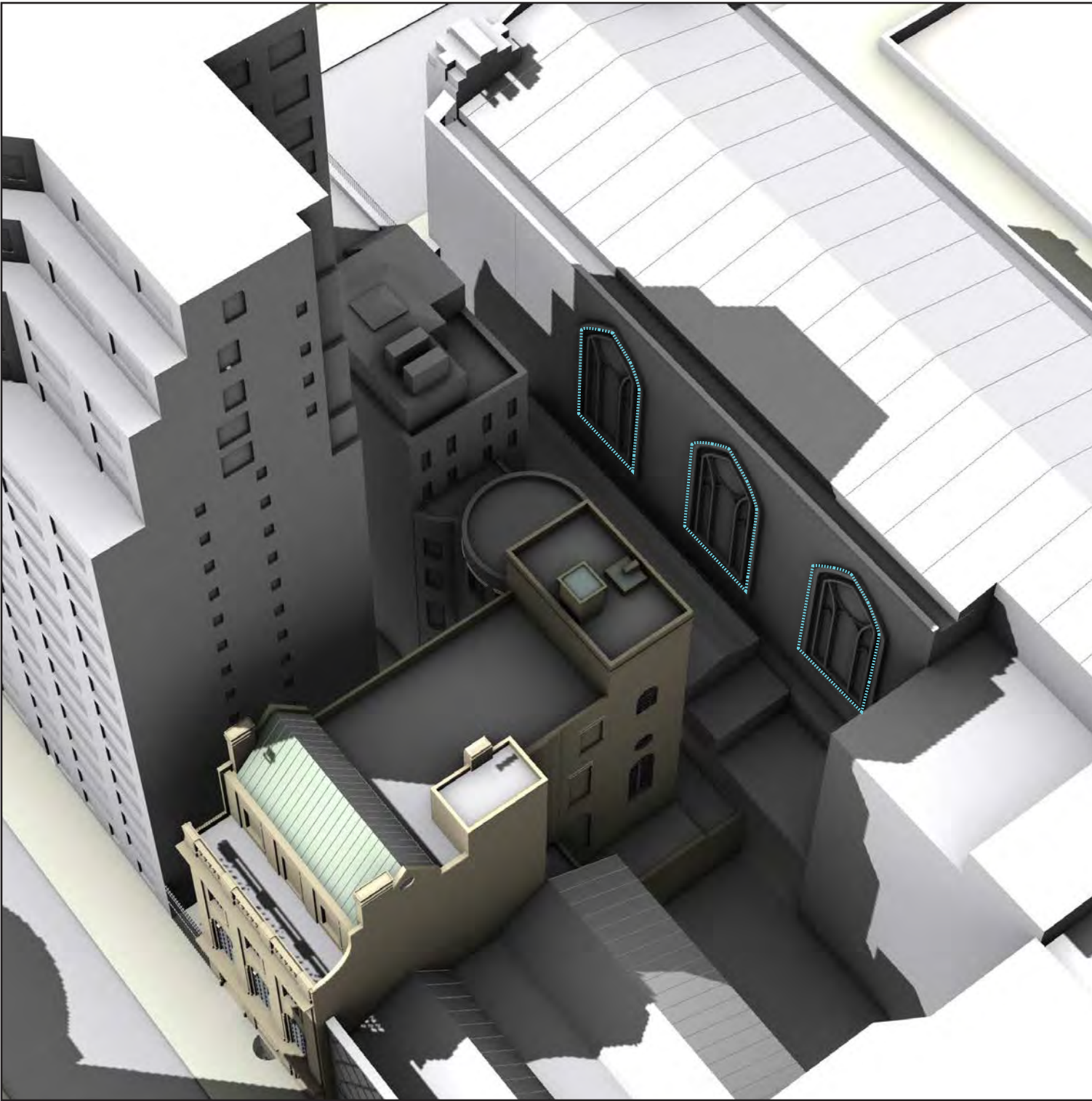
Existing Building



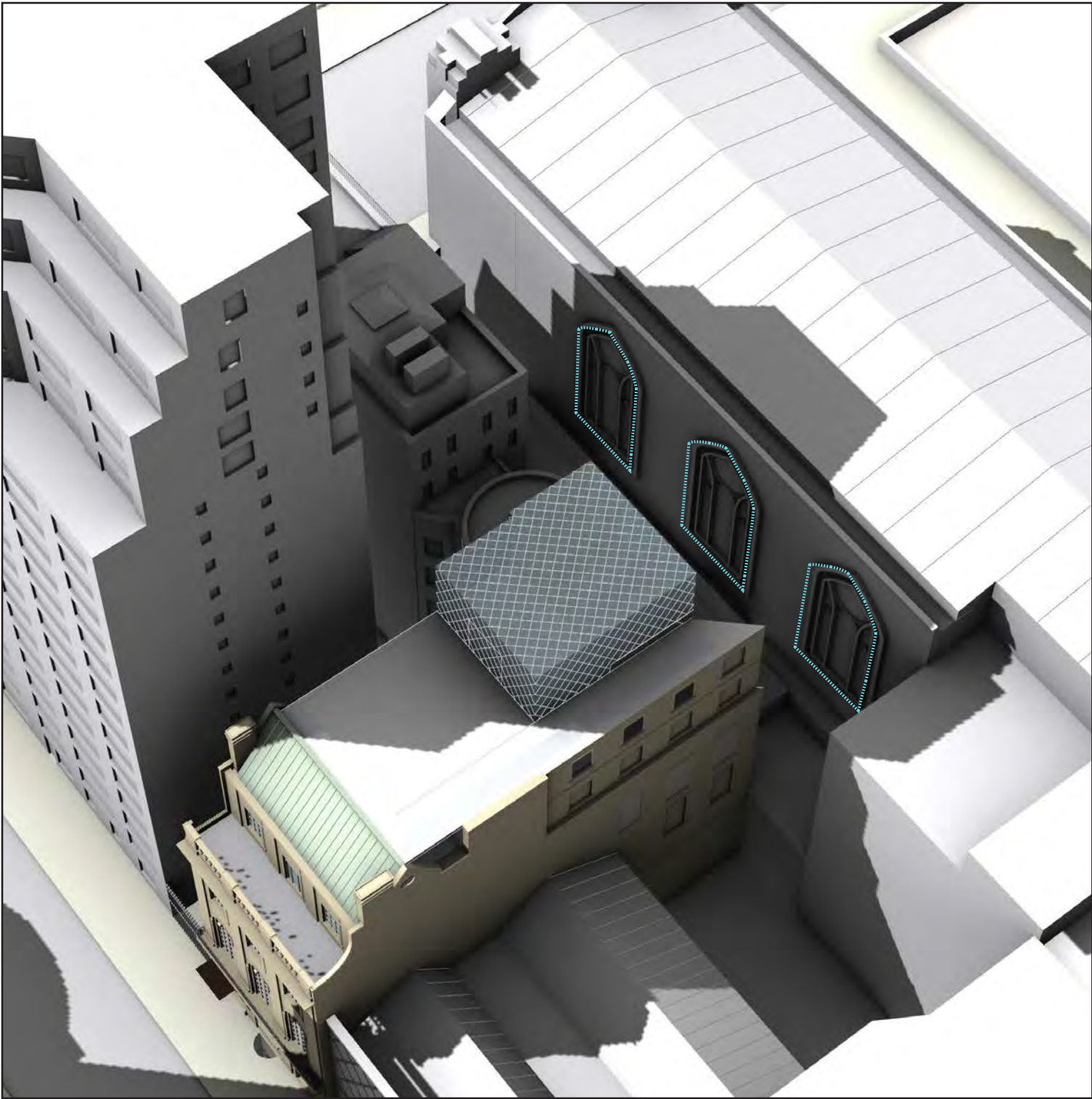
Proposed Addition

Additional Shadow Church Windows

AUGUST 6, 3PM



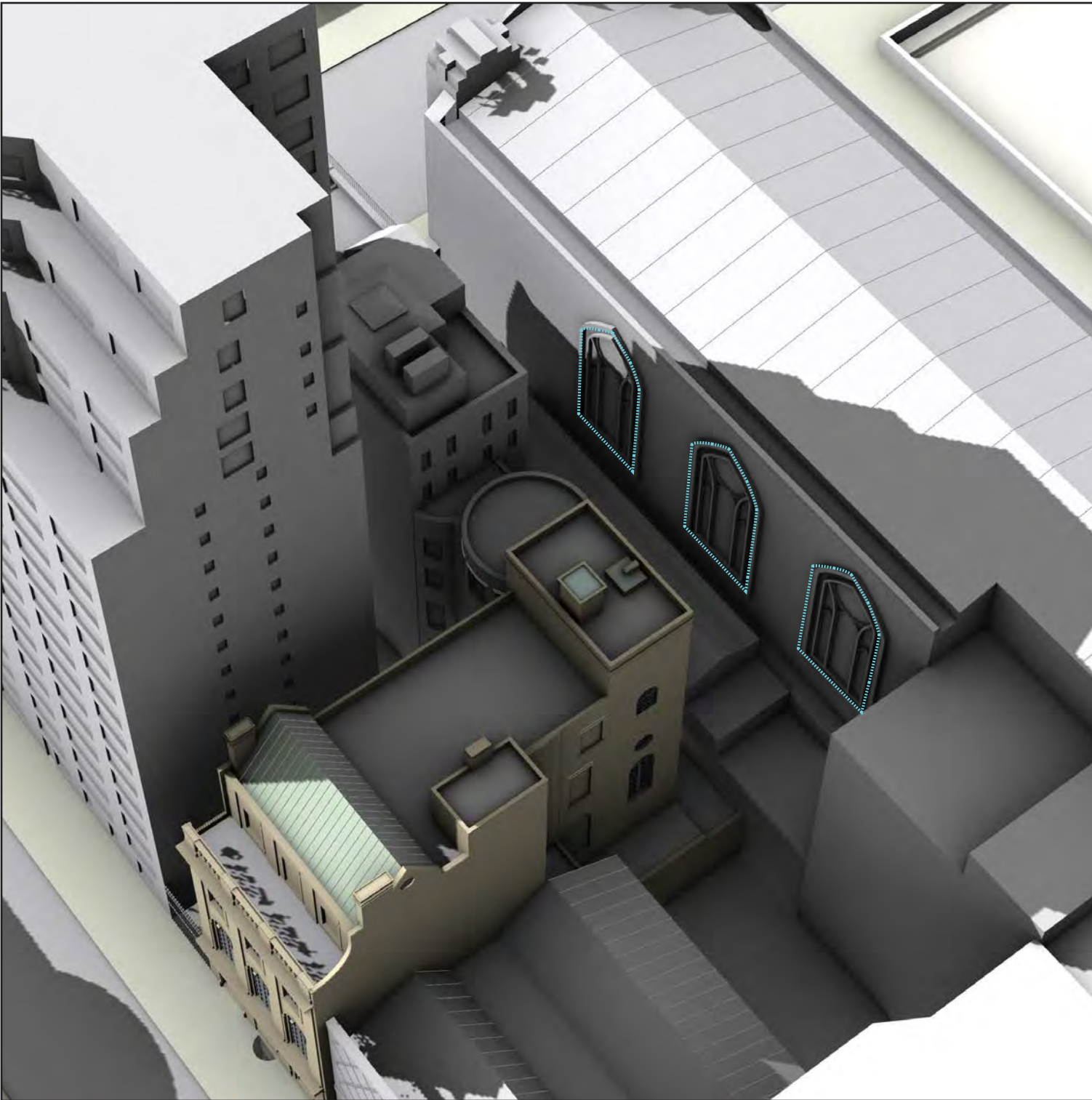
Existing Building



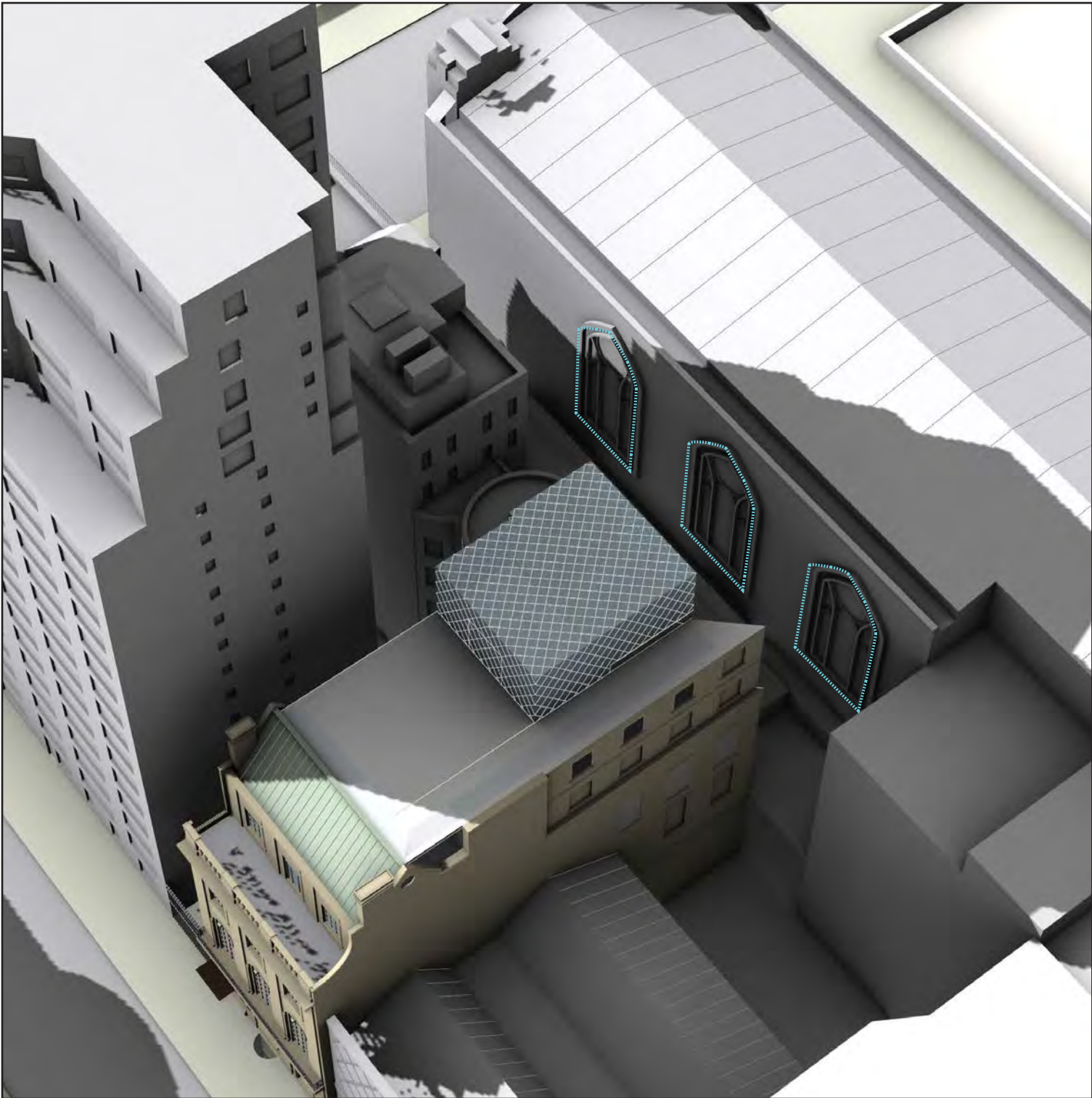
Proposed Addition

Additional Shadow Church Windows

AUGUST 6, 4PM



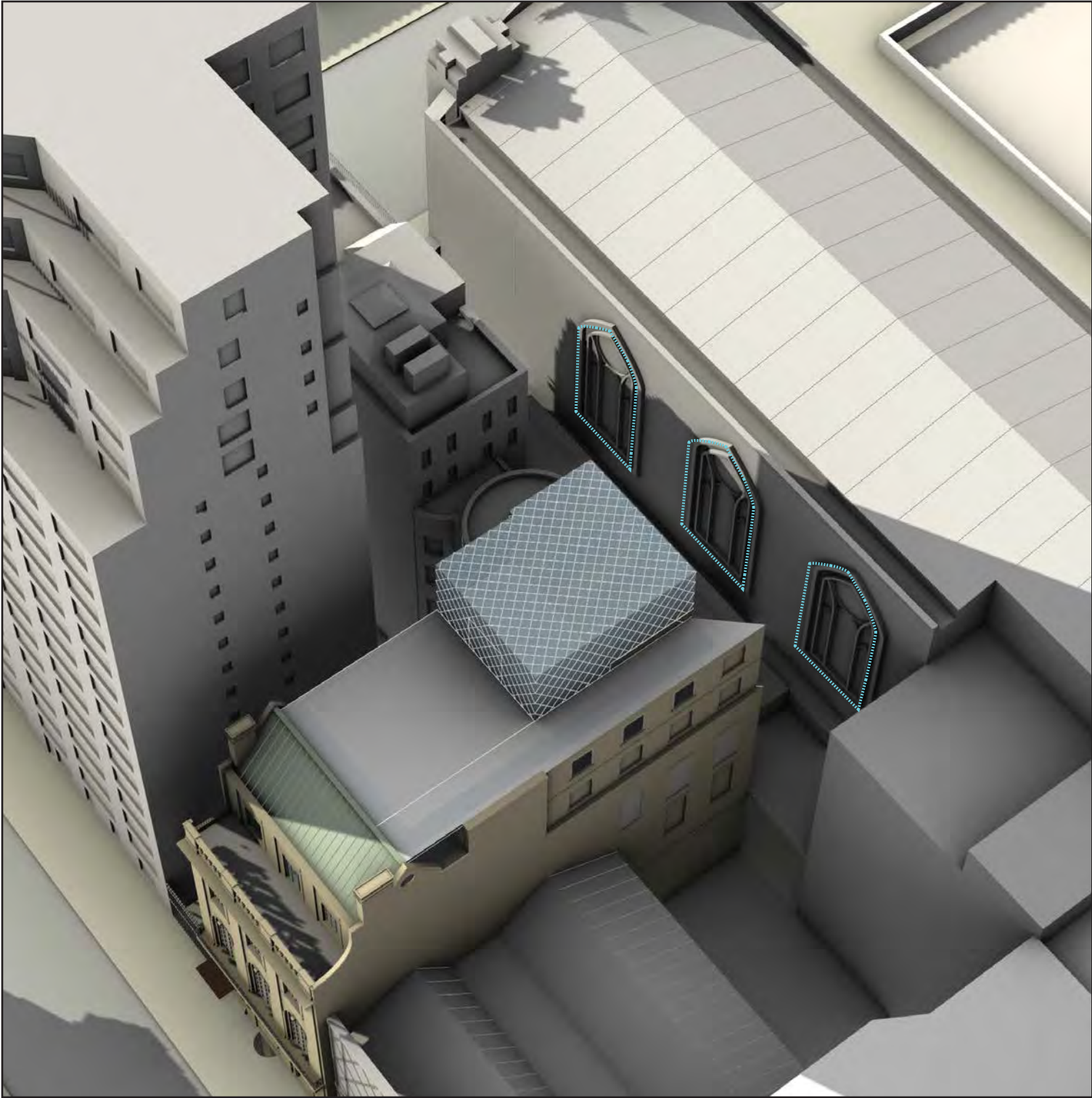
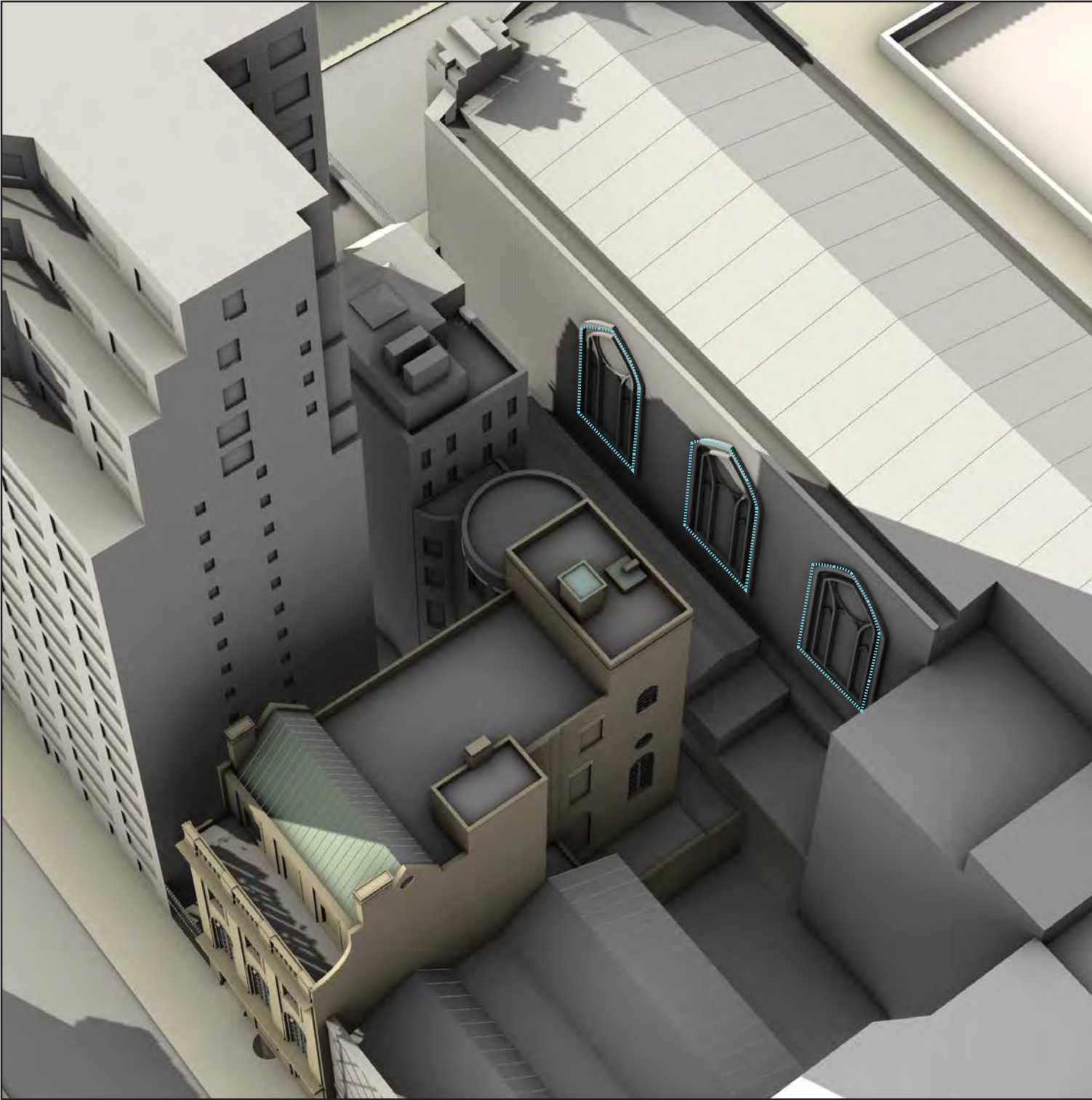
Existing Building



Proposed Addition

Additional Shadow Church Windows

AUGUST 6, 5PM



Existing Building

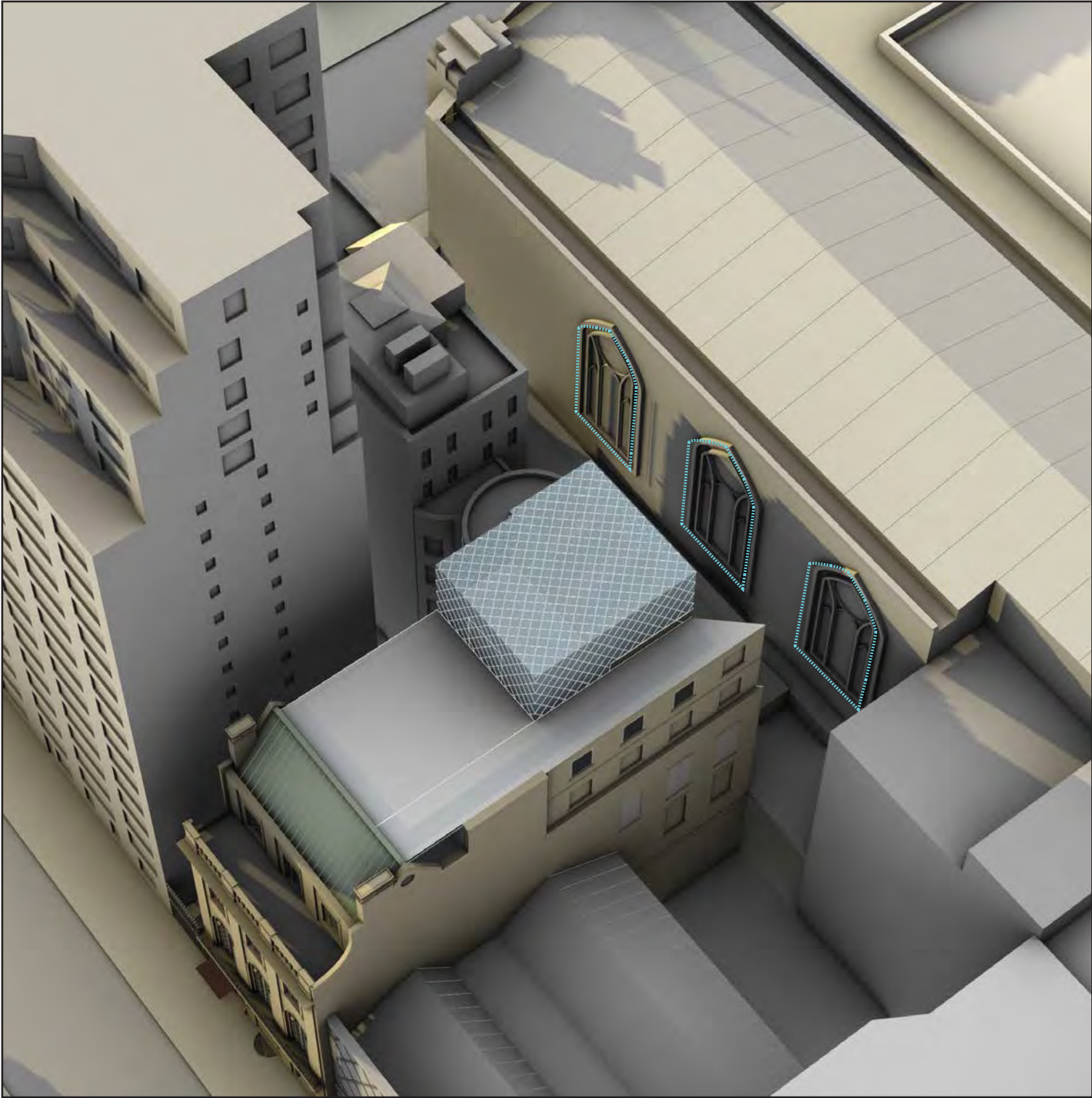
Proposed Addition

Additional Shadow Church Windows

AUGUST 6, 6PM



Existing Building



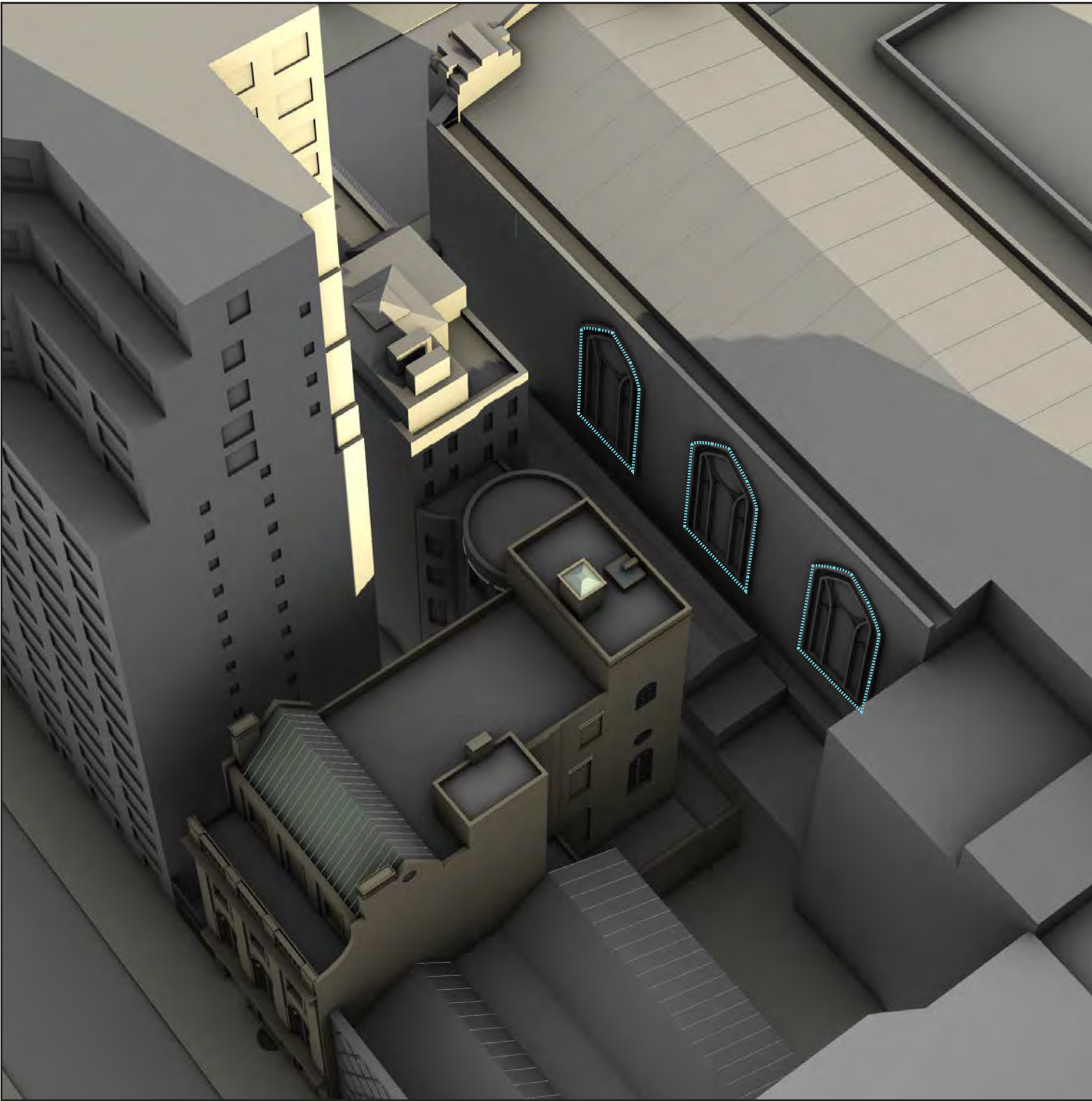
Proposed Addition

Additional Shadow Church Windows

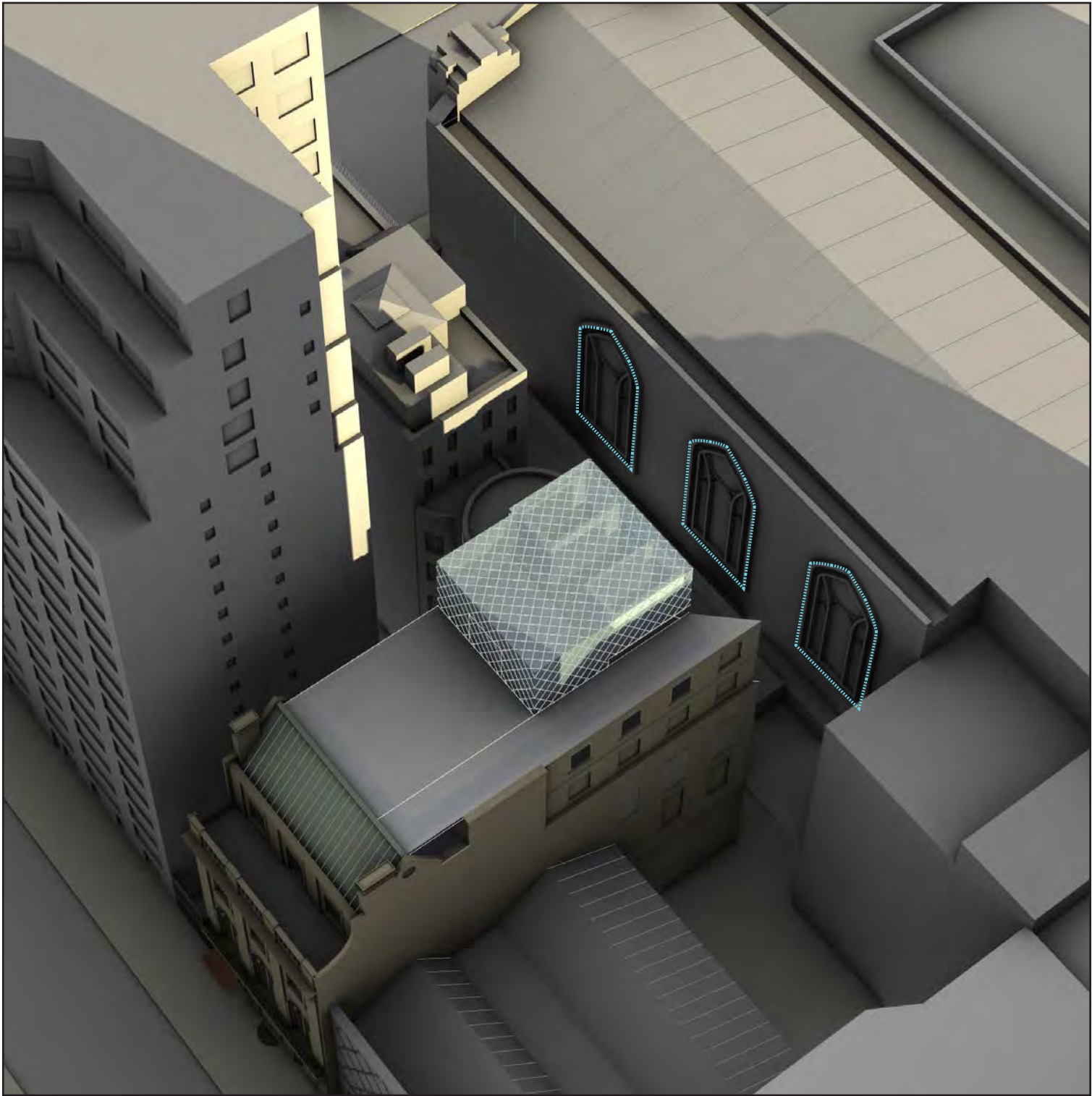
SHADOW STUDY
SEPTEMBER 21

FALL EQUINOX - SUN HALFWAY BETWEEN SUMMER AND WINTER SOLSTICES

SEPTEMBER 21, 7AM



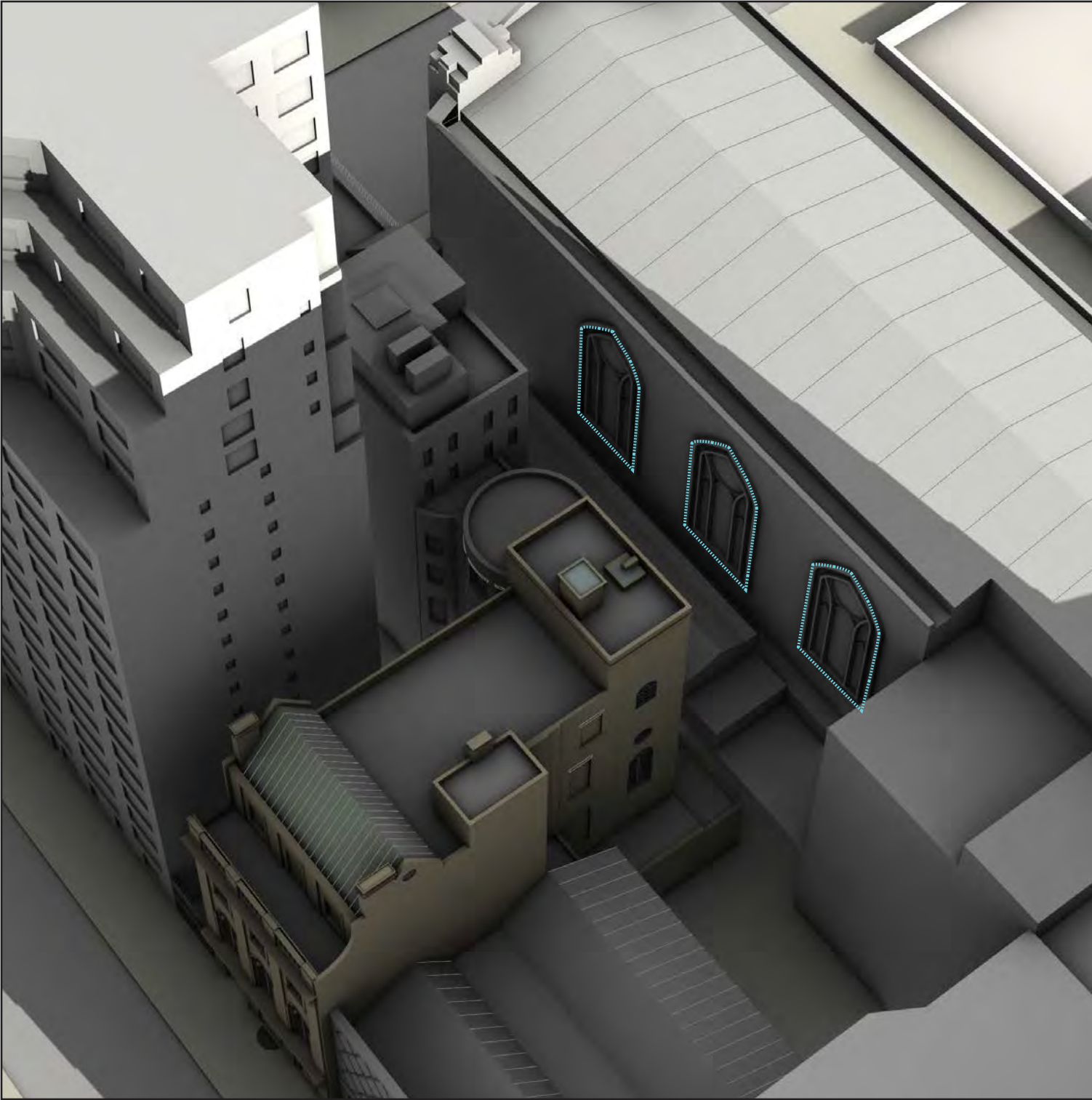
Existing Building



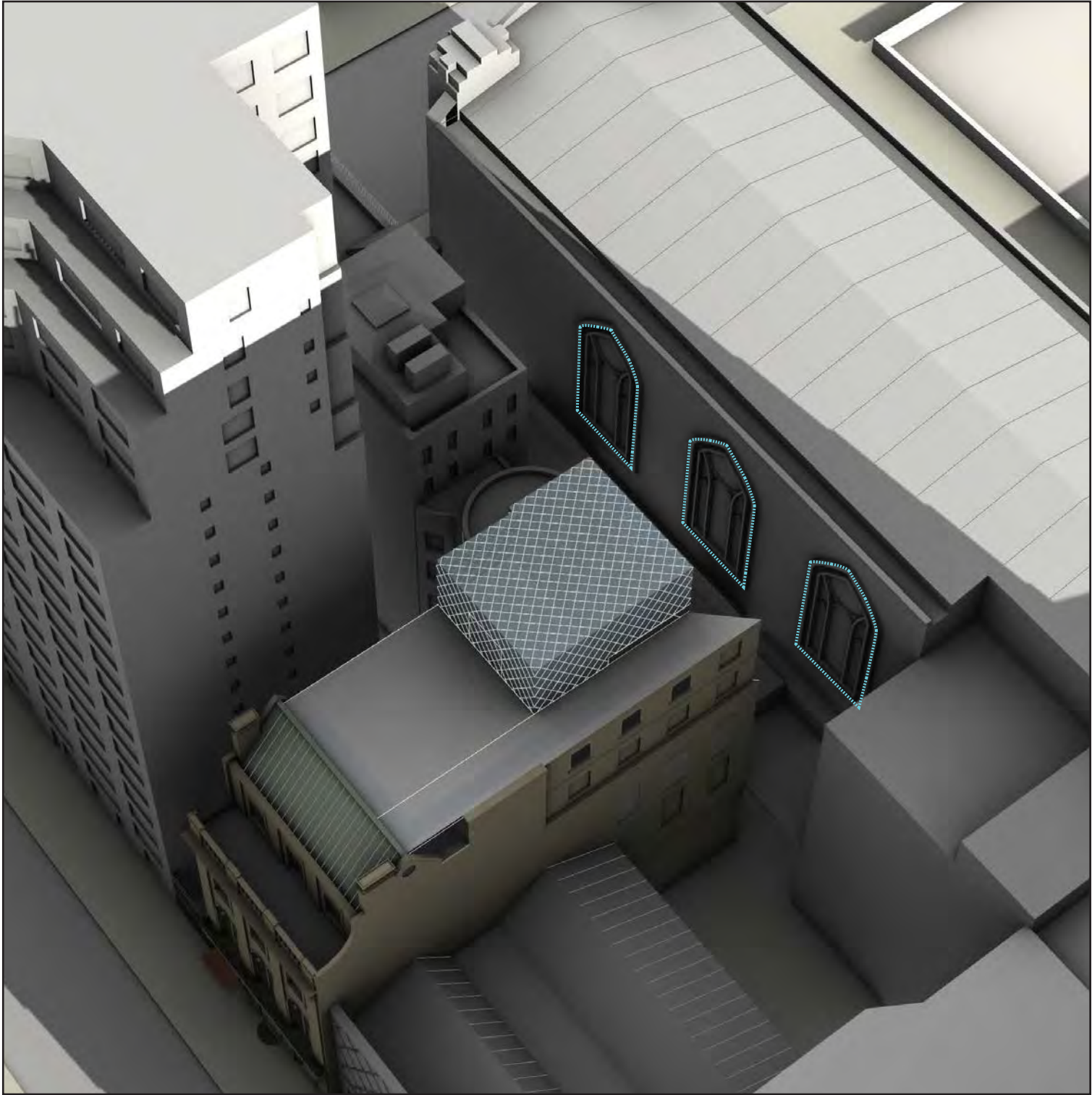
Proposed Addition

Additional Shadow Church Windows

SEPTEMBER 21, 8AM



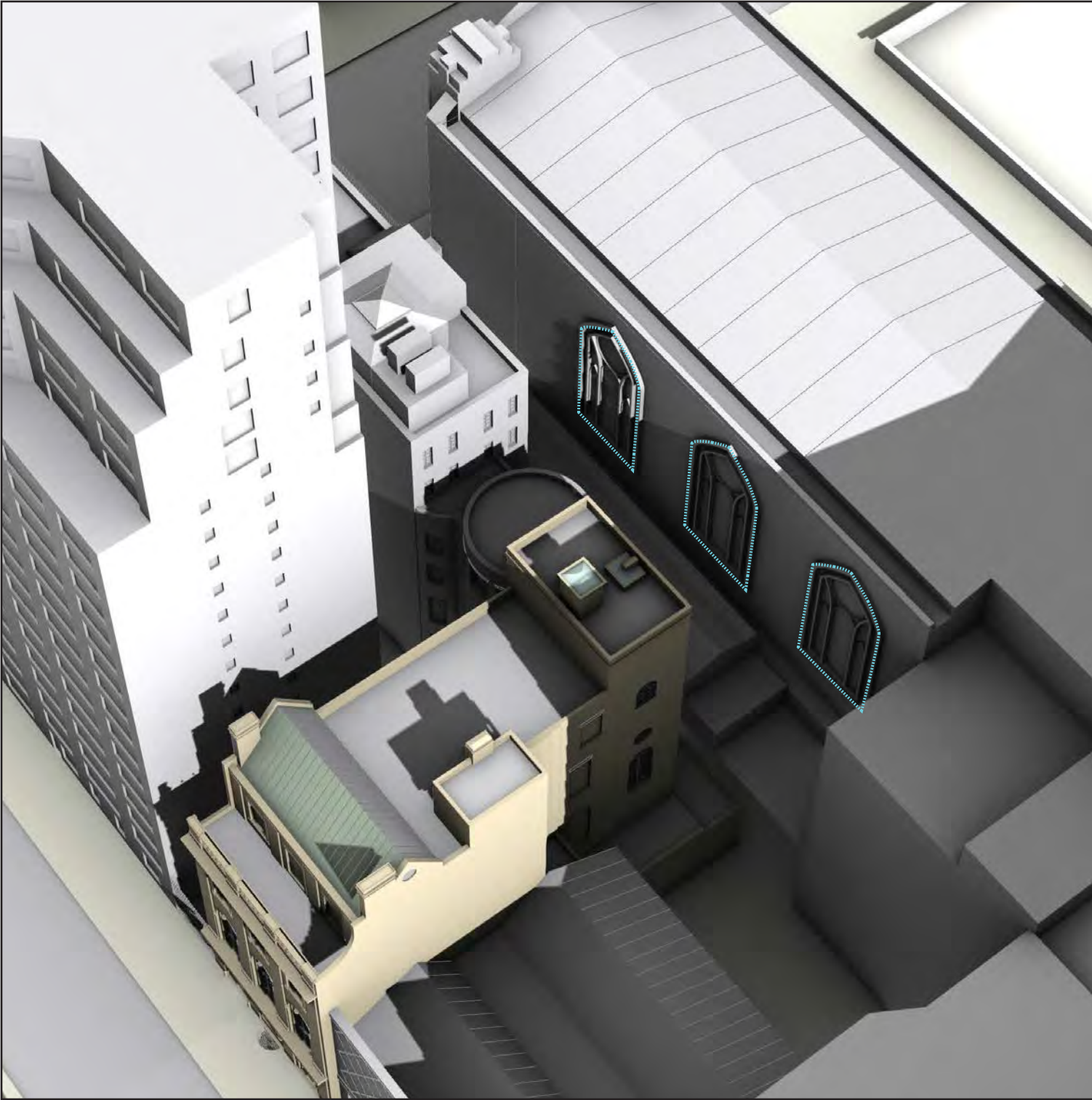
Existing Building



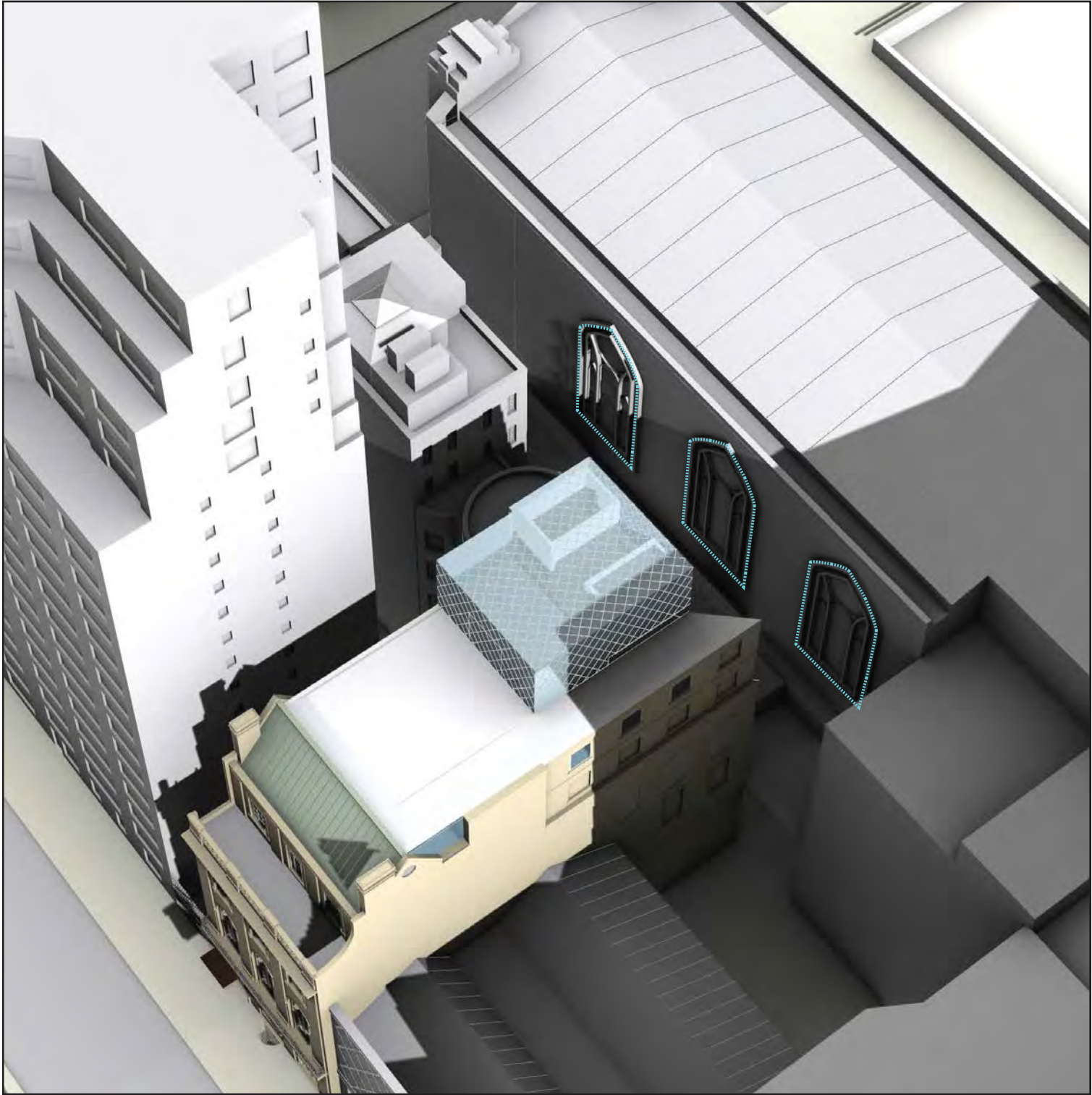
Proposed Addition

Additional Shadow Church Windows

SEPTEMBER 21, 9AM



Existing Building



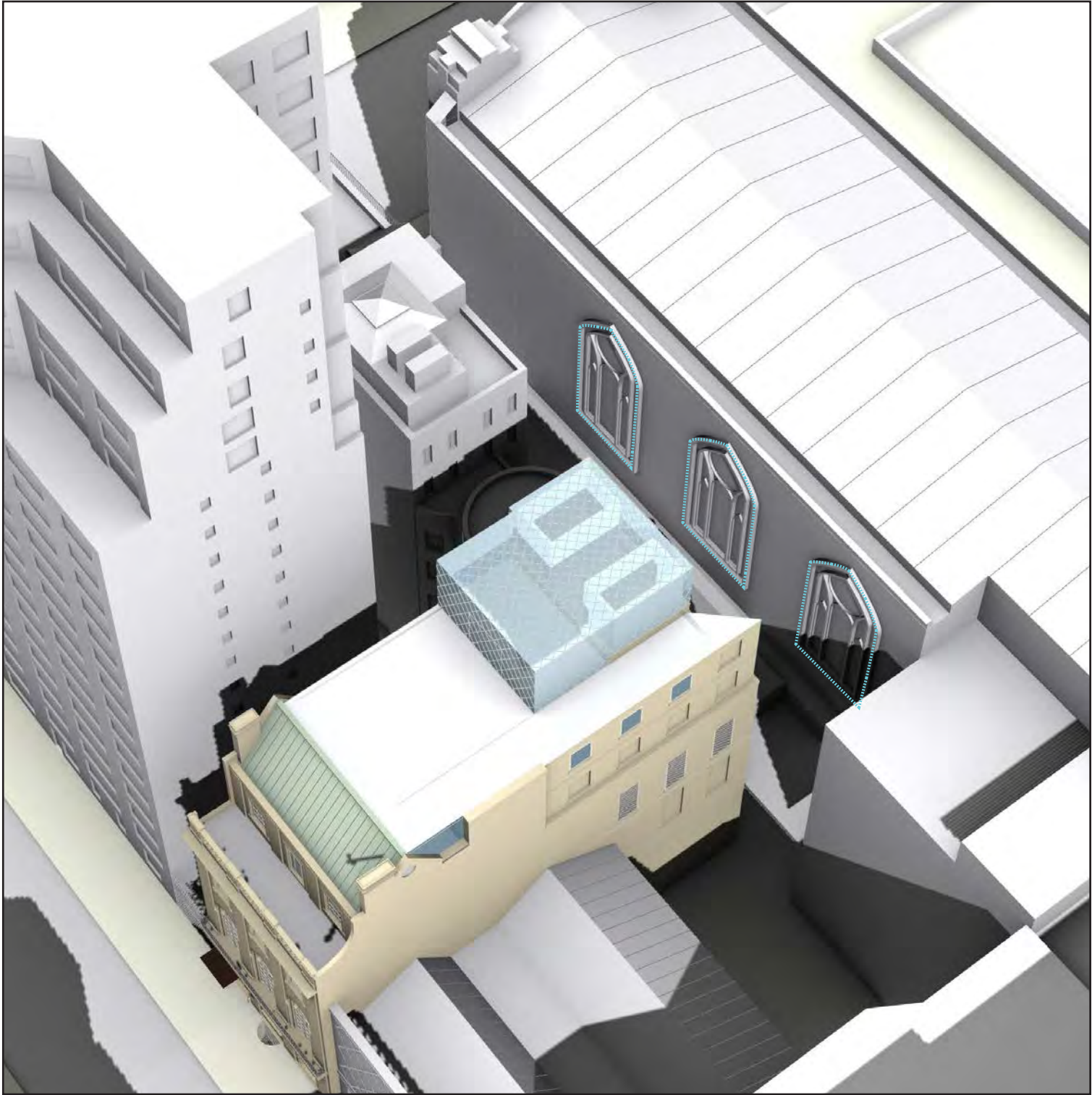
Proposed Addition

Additional Shadow Church Windows

SEPTEMBER 21, 10AM



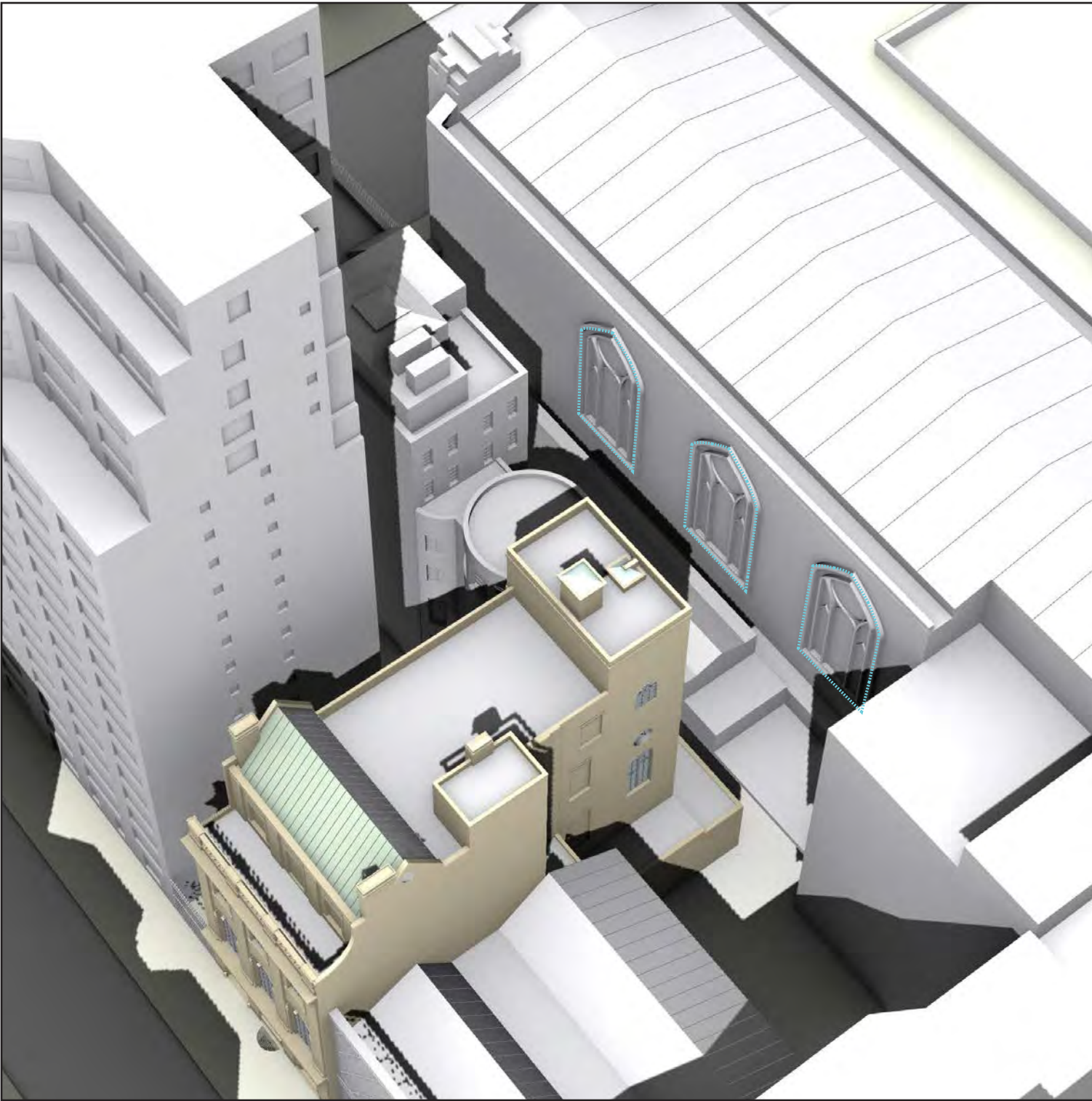
Existing Building



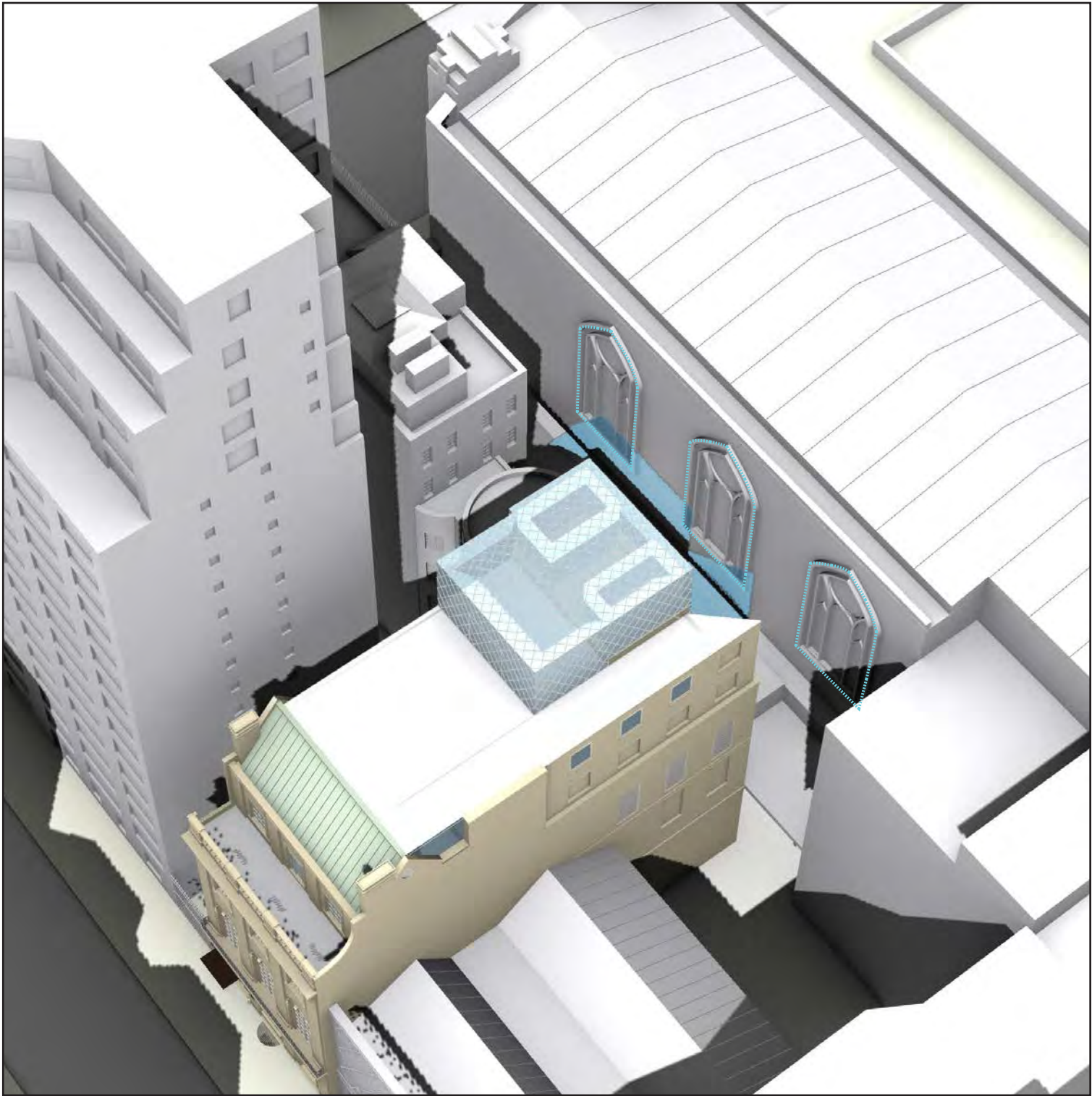
Proposed Addition

Additional Shadow Church Windows

SEPTEMBER 21, 11AM



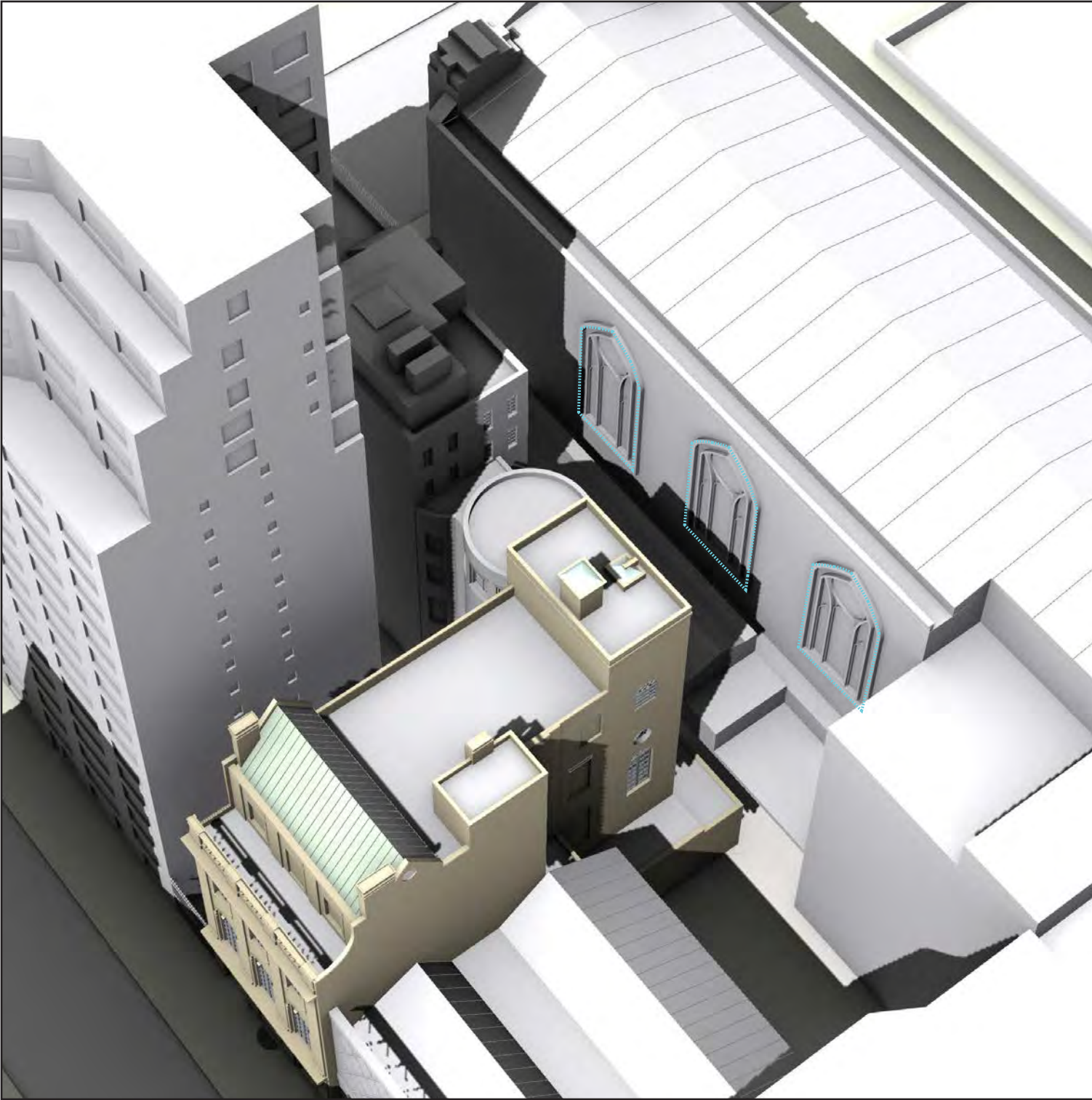
Existing Building



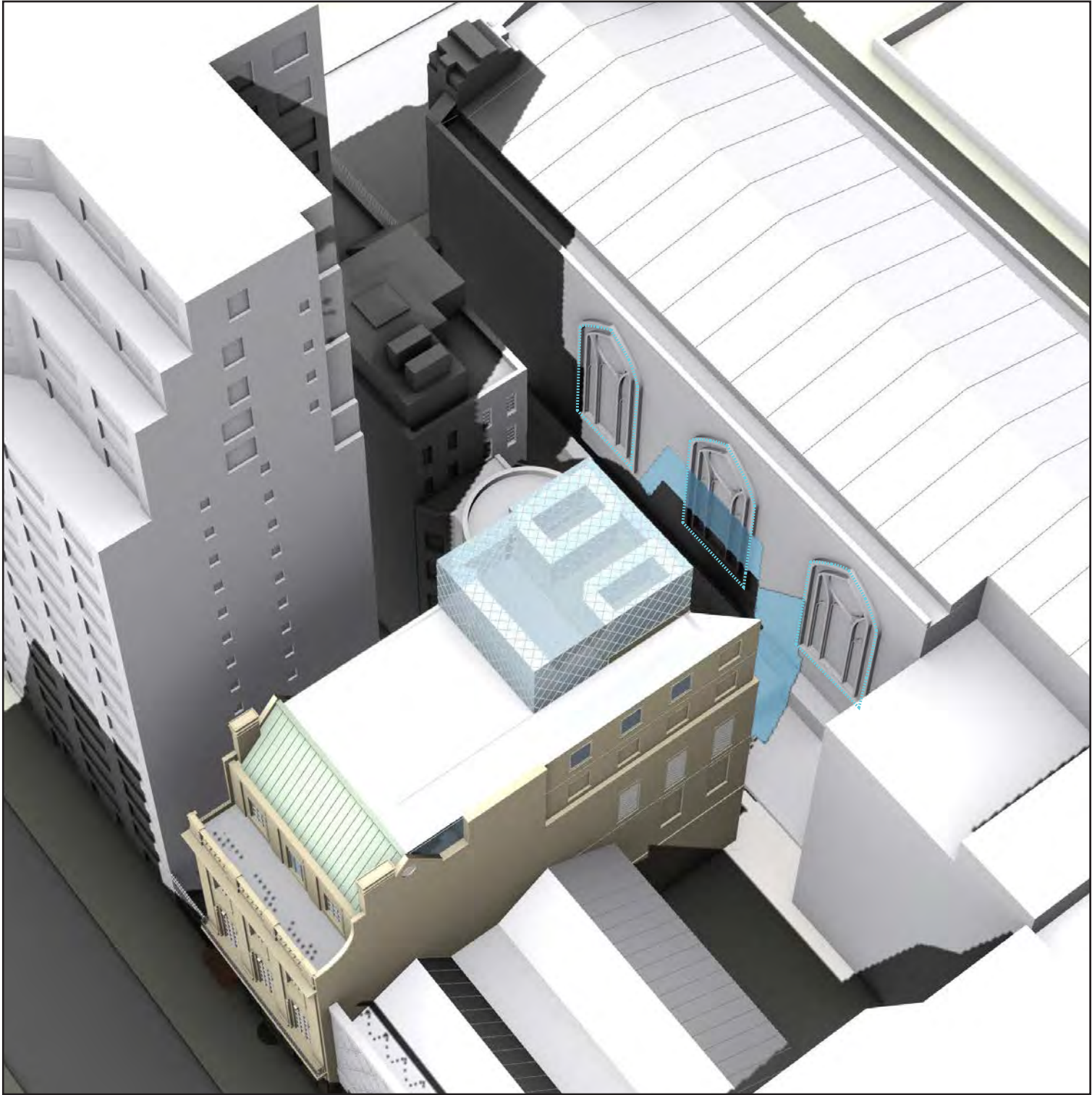
Proposed Addition

Additional Shadow Church Windows

SEPTEMBER 21, 12PM



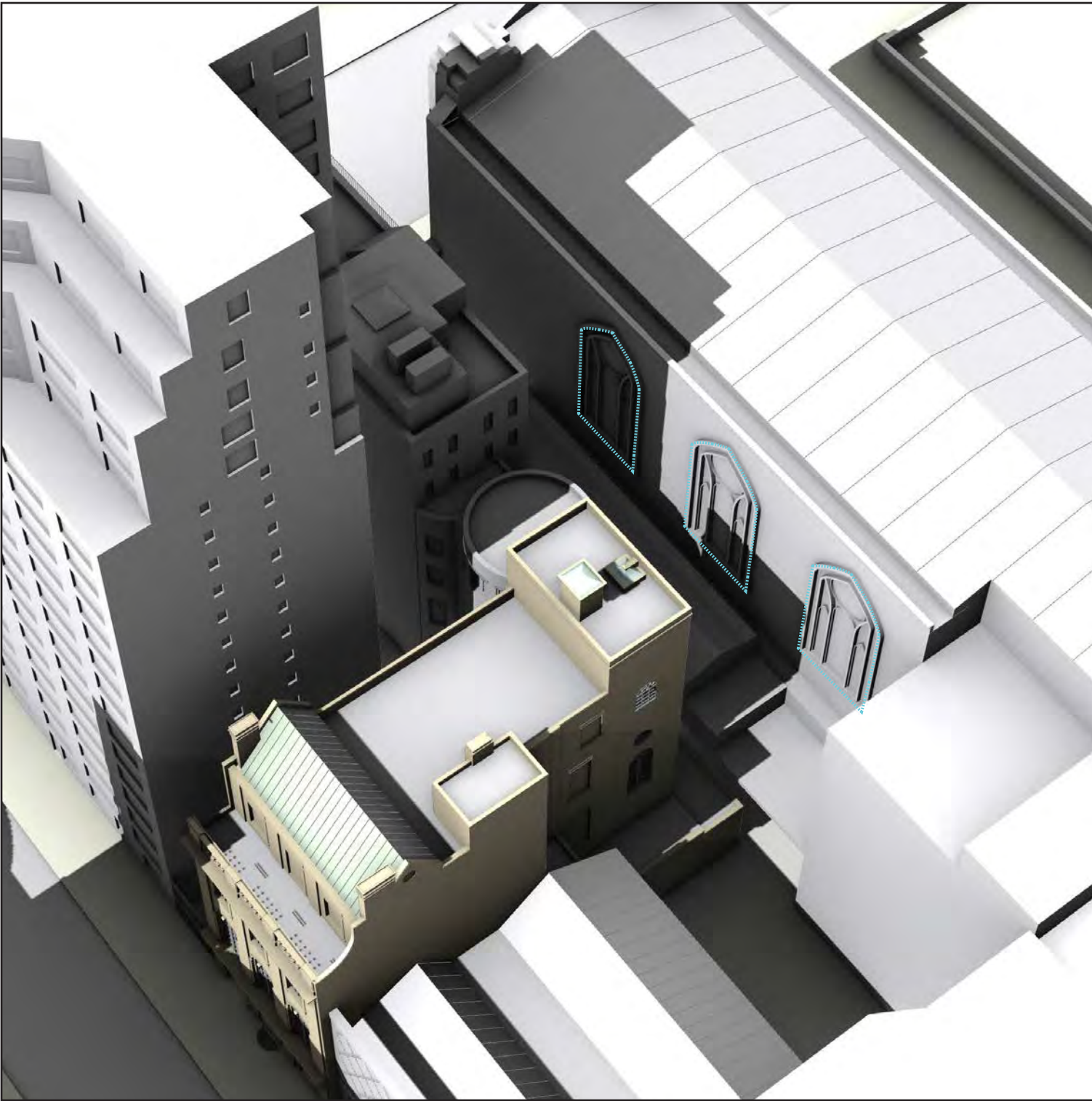
Existing Building



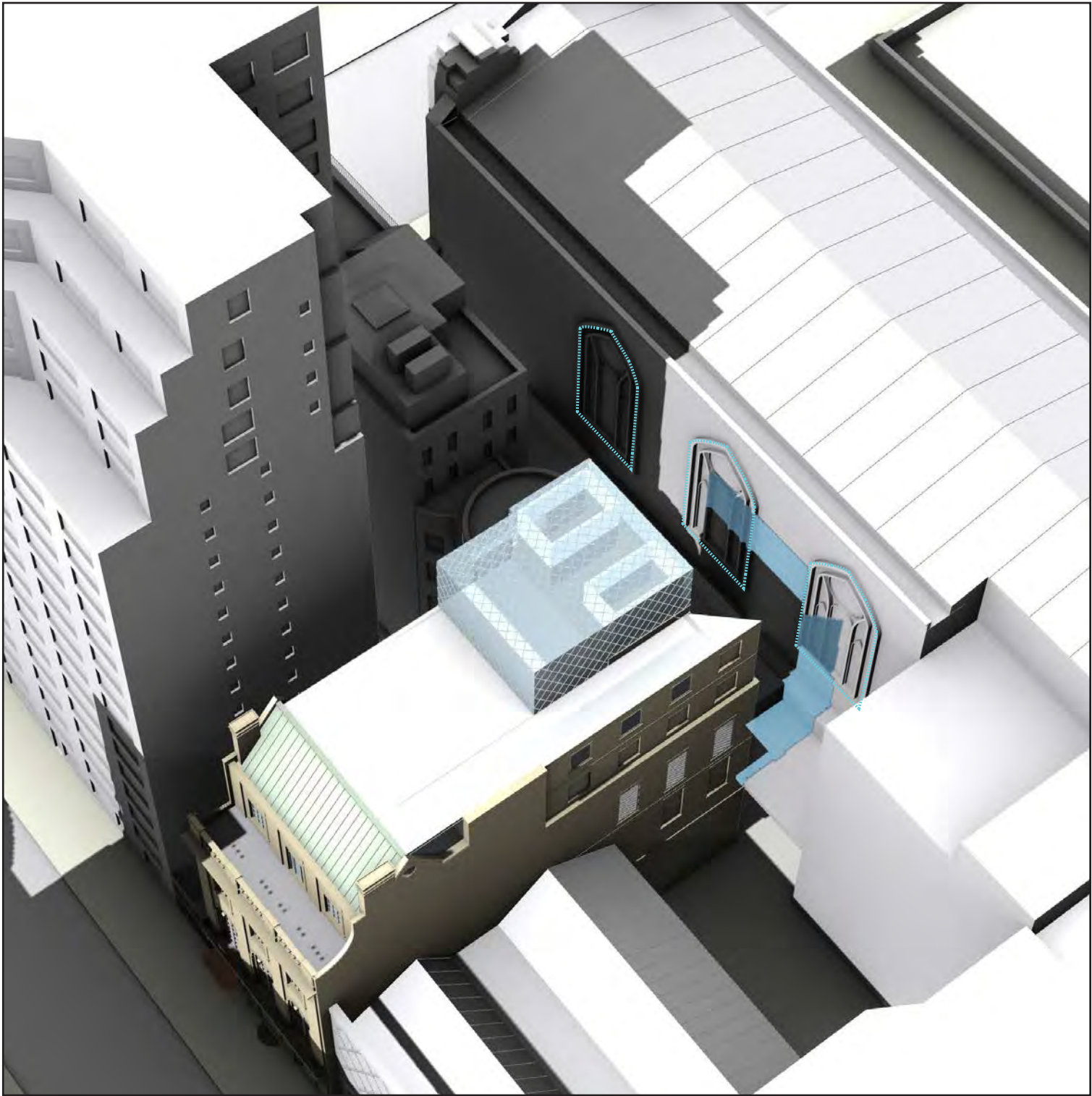
Proposed Addition

Additional Shadow Church Windows

SEPTEMBER 21, 1PM



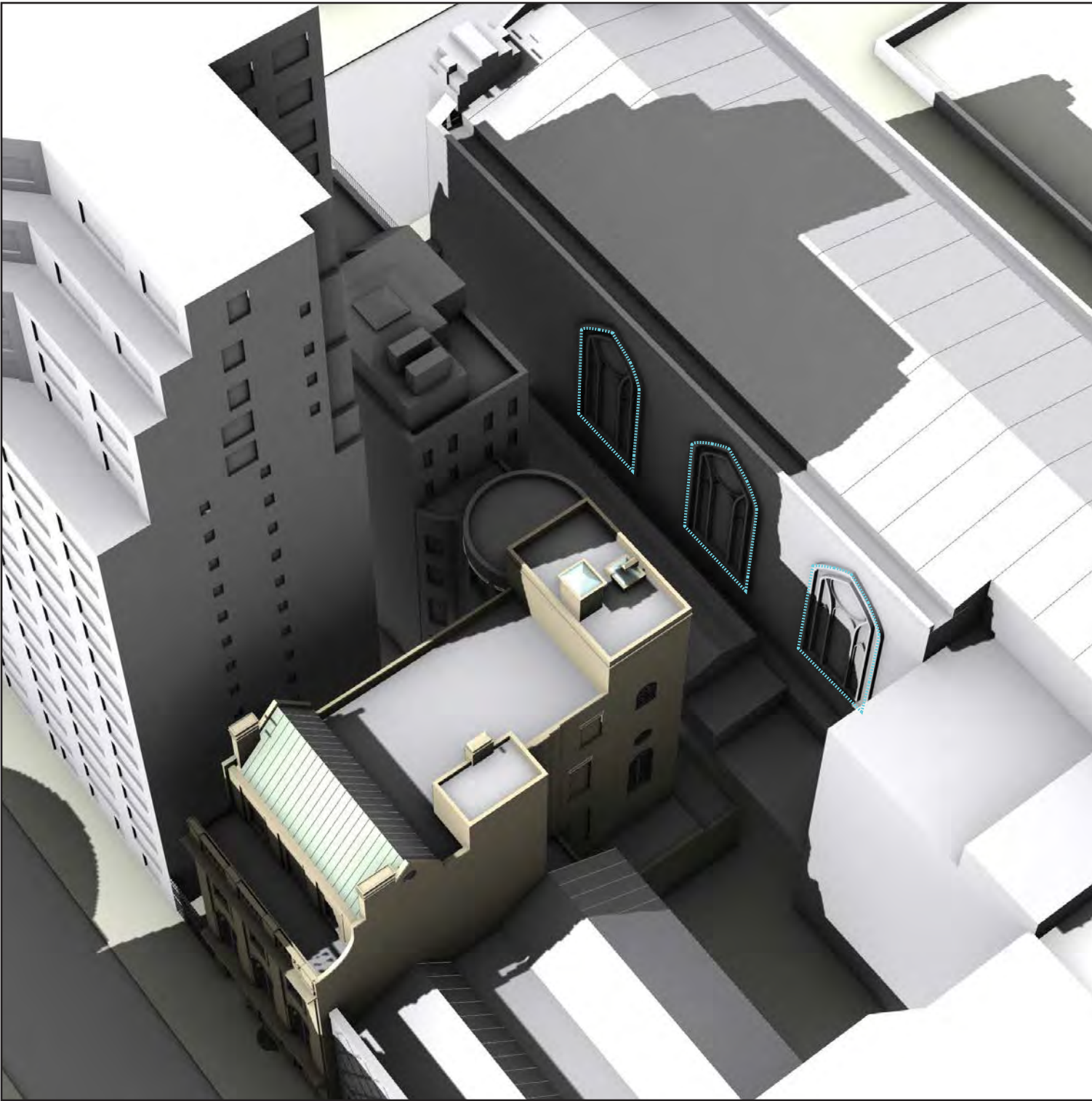
Existing Building



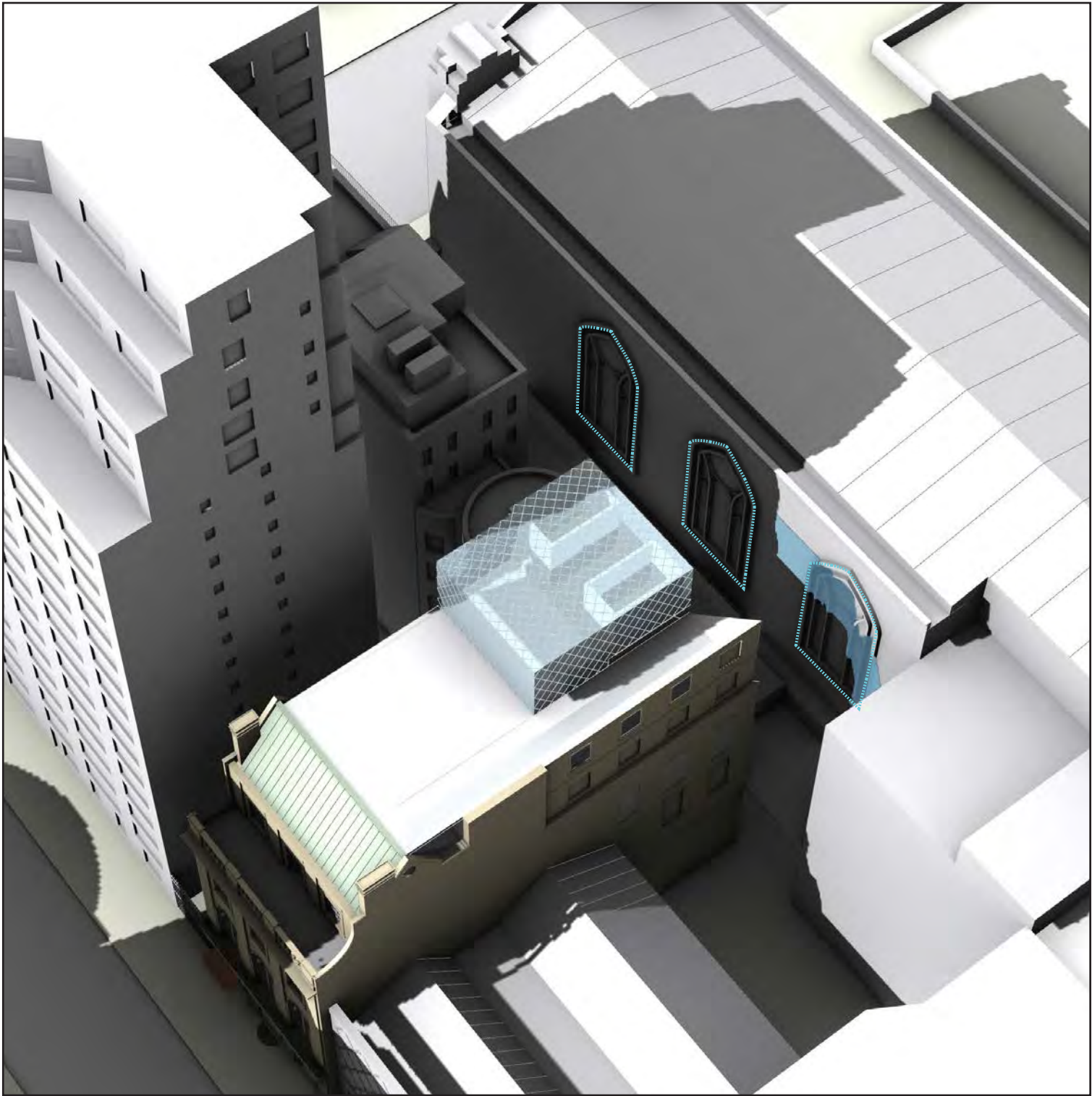
Proposed Addition

Additional Shadow Church Windows

SEPTEMBER 21, 2PM



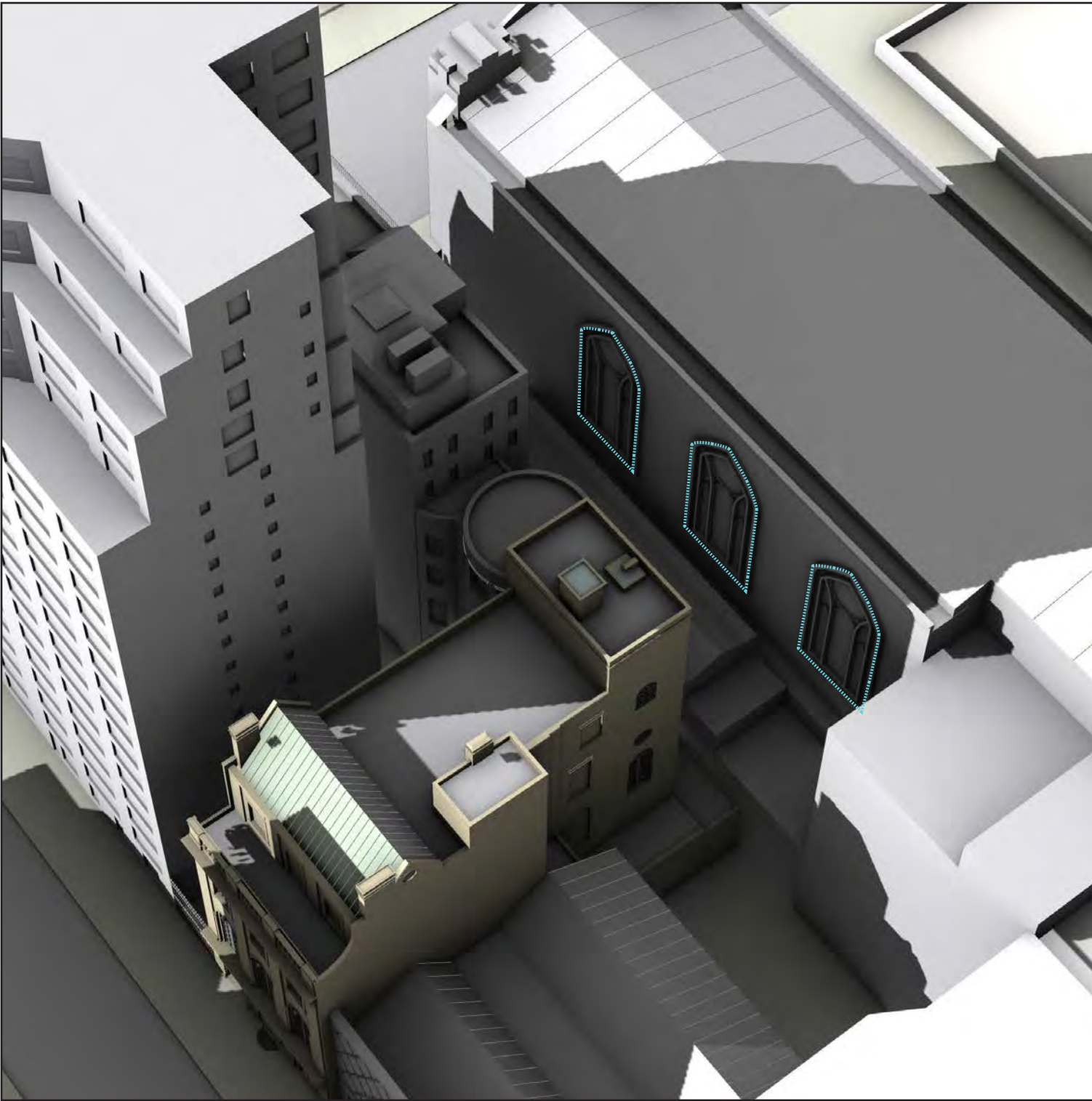
Existing Building



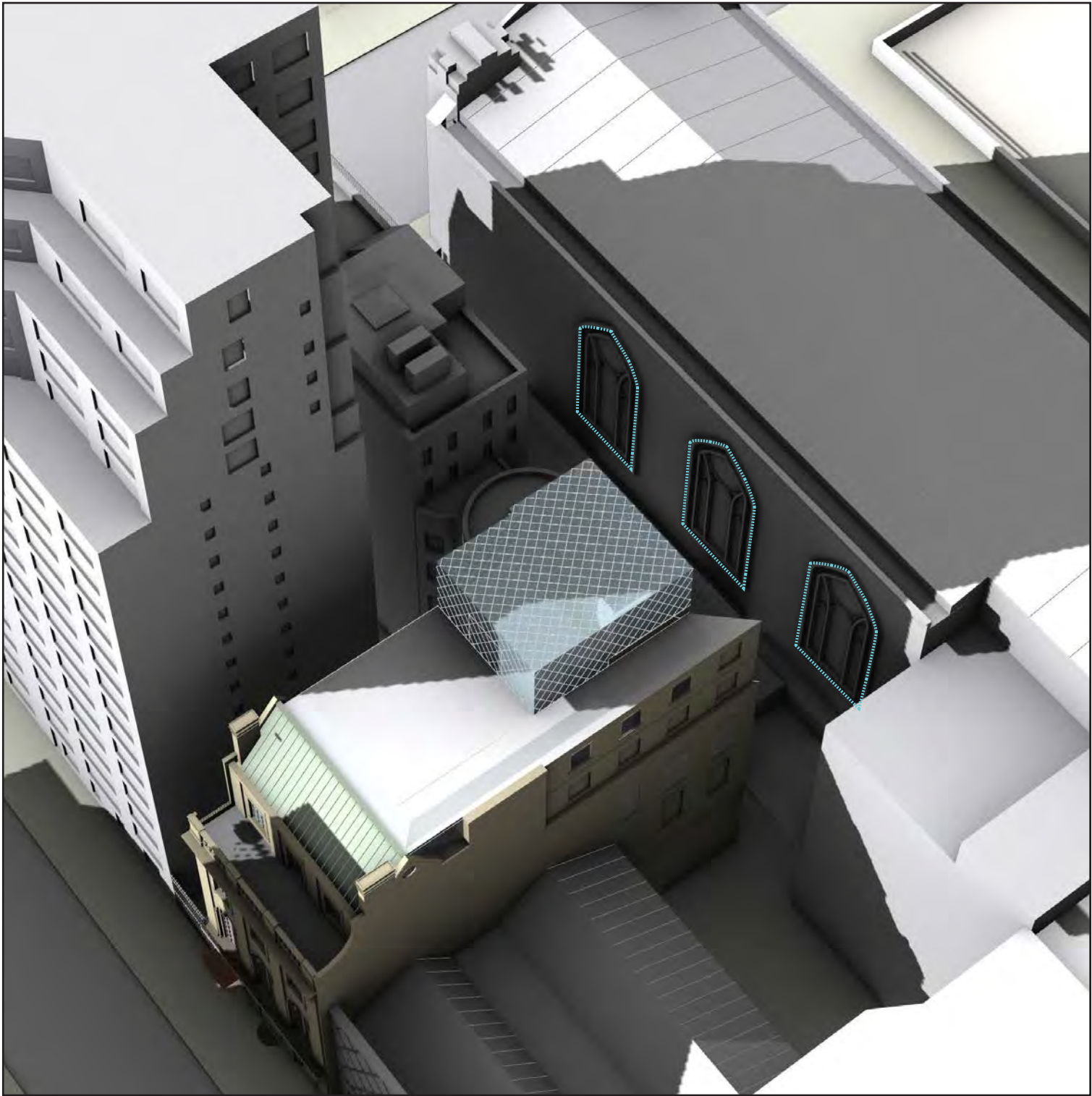
Proposed Addition

Additional Shadow Church Windows

SEPTEMBER 21, 3PM



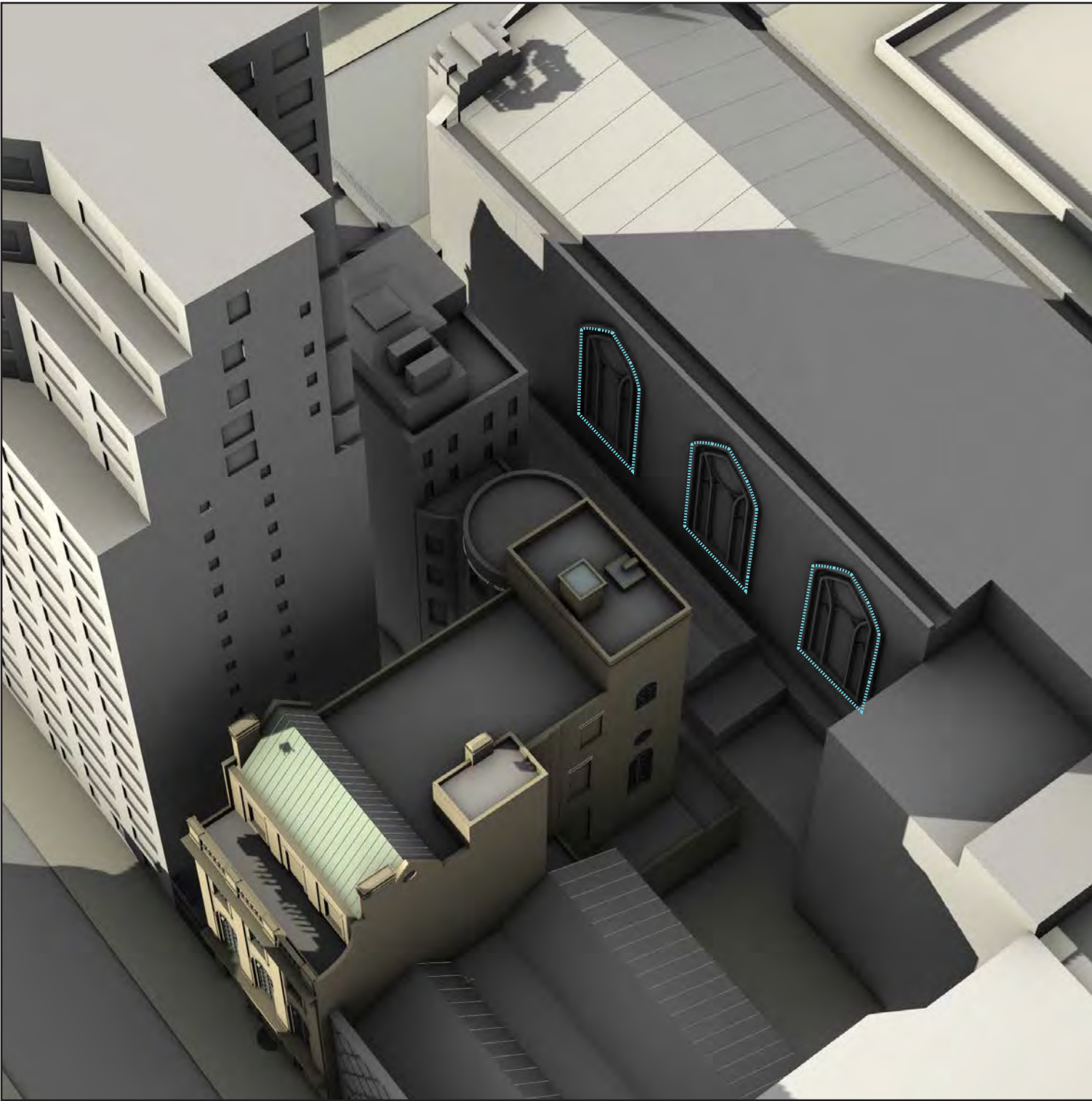
Existing Building



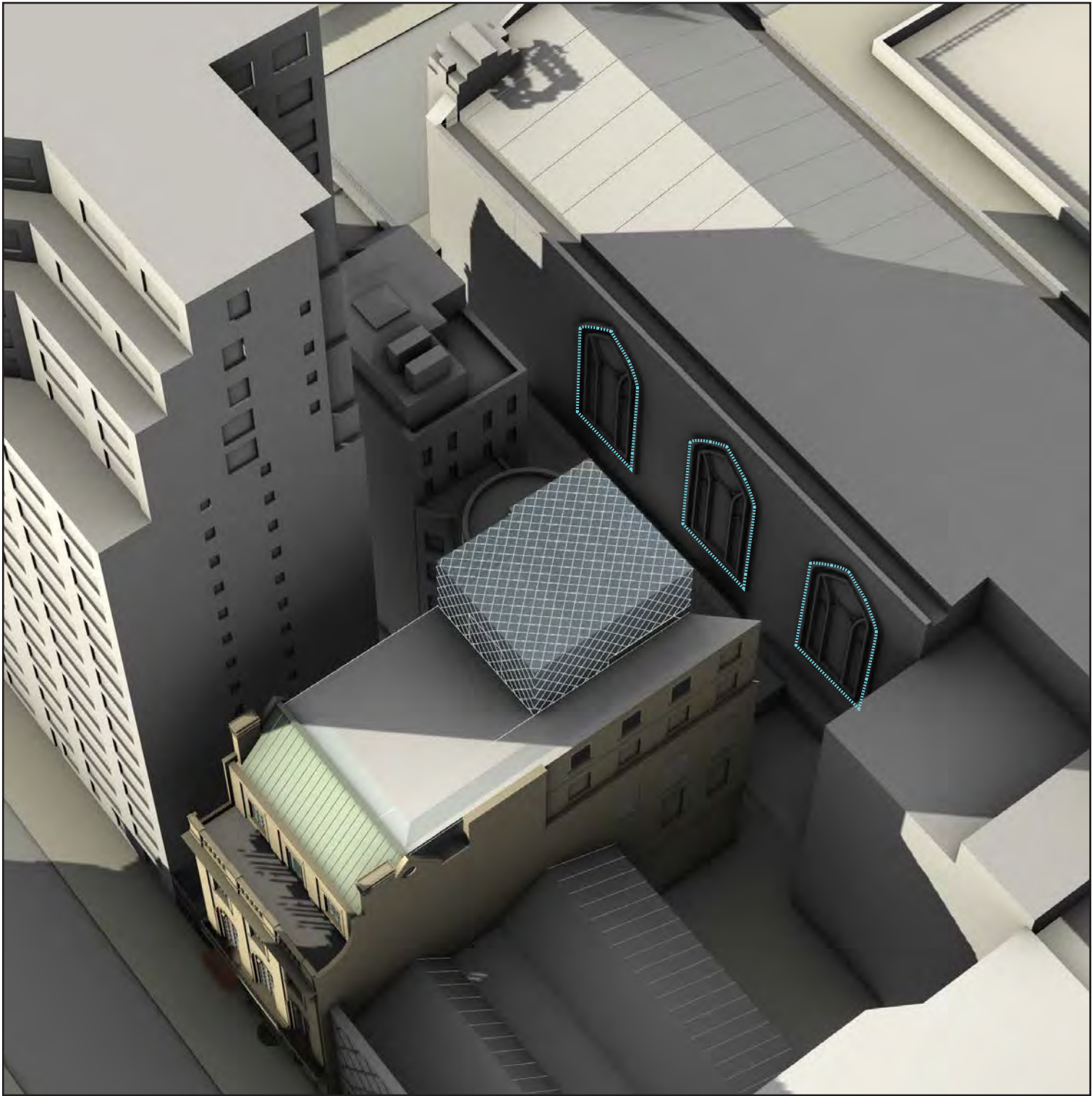
Proposed Addition

Additional Shadow Church Windows

SEPTEMBER 21, 4PM



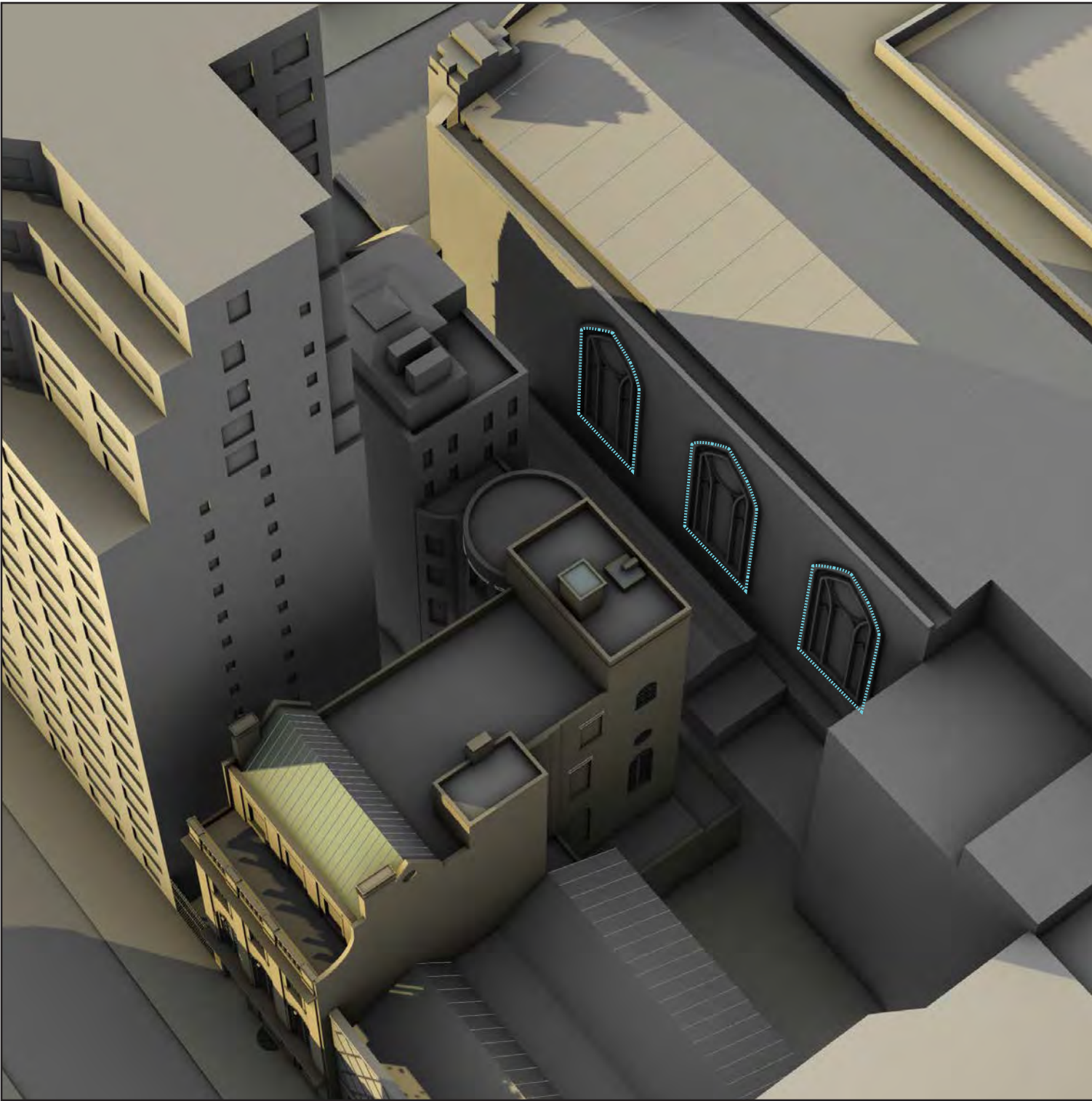
Existing Building



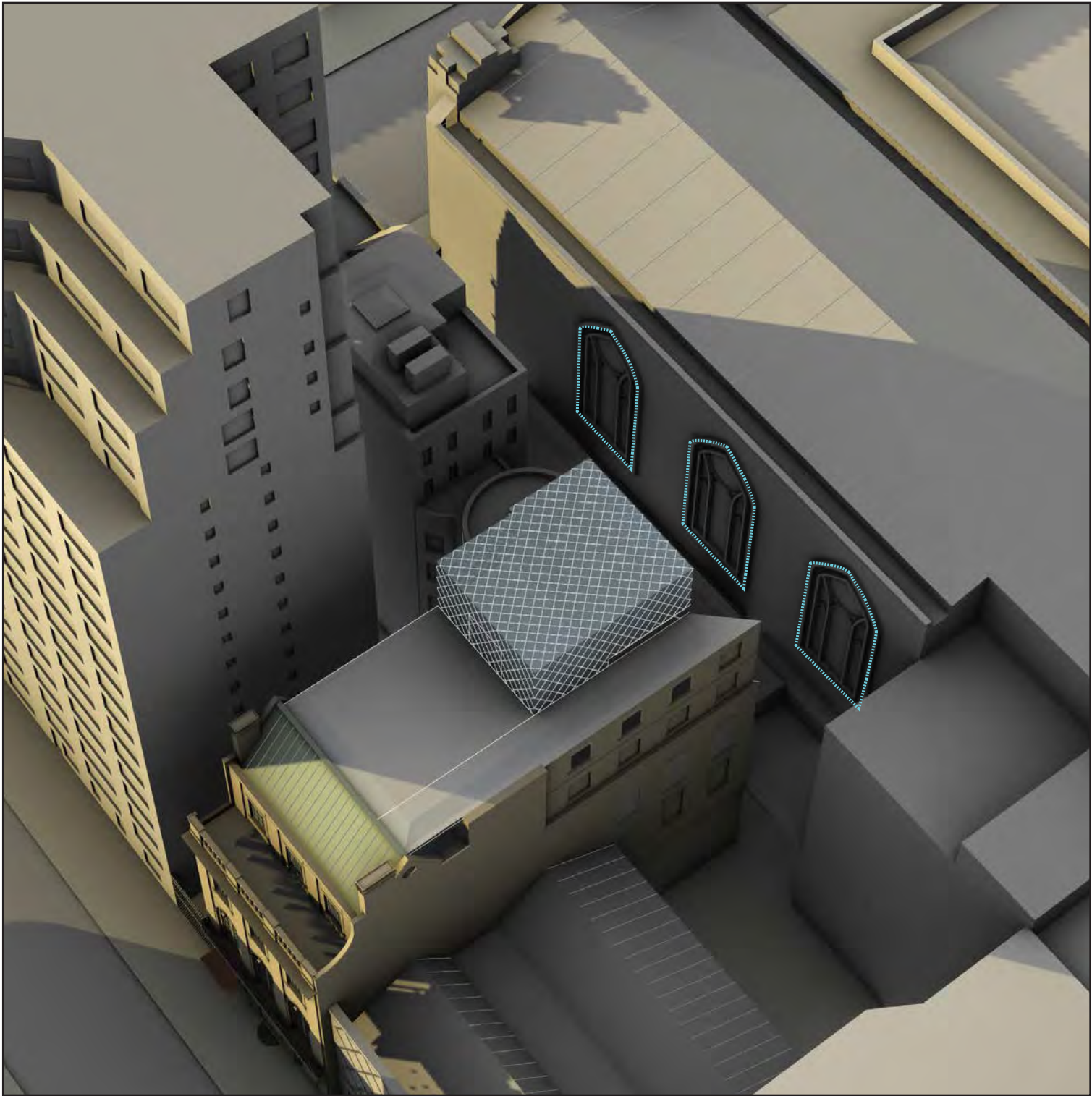
Proposed Addition

Additional Shadow Church Windows

SEPTEMBER 21, 5PM



Existing Building



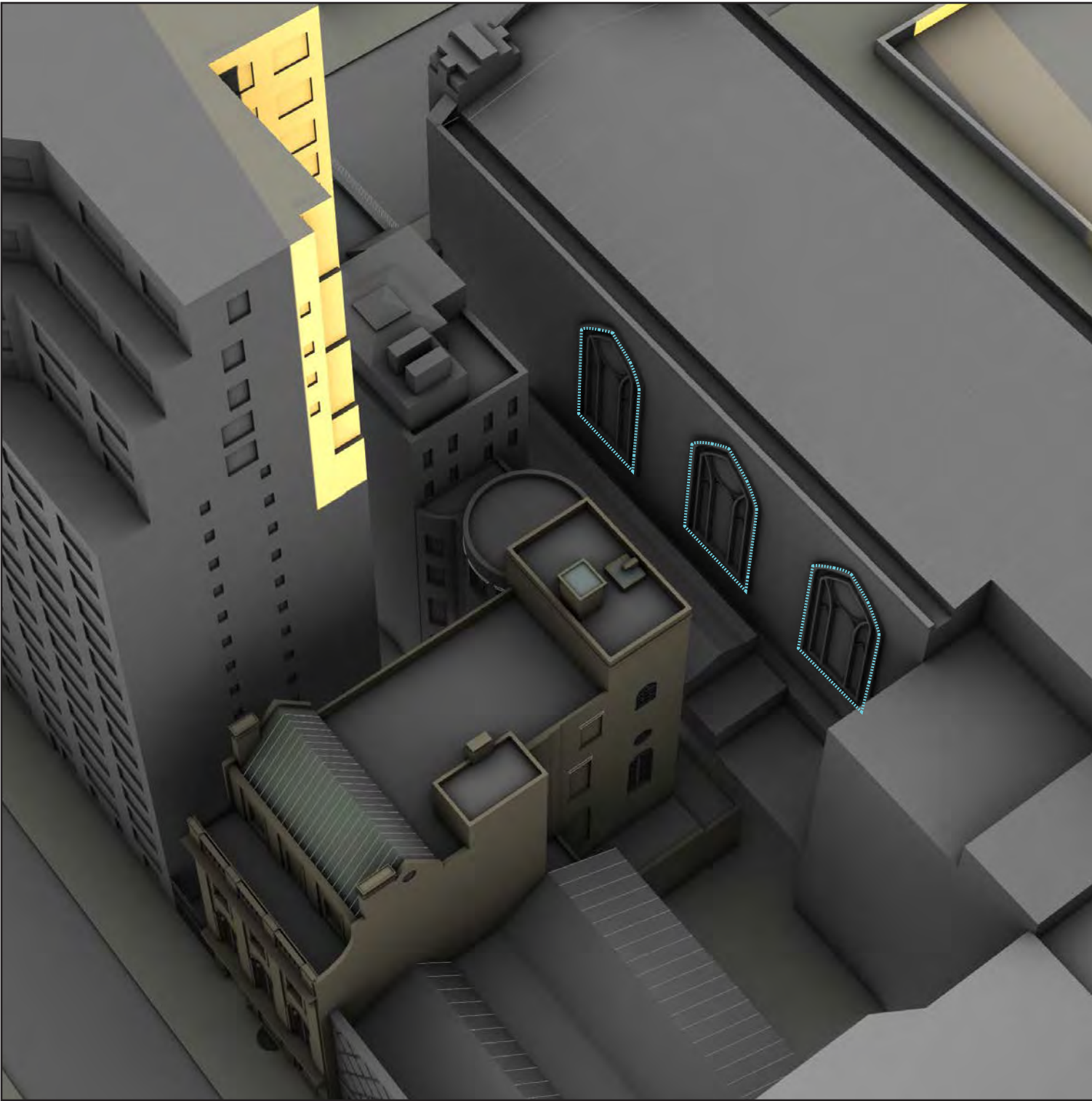
Proposed Addition

Additional Shadow Church Windows

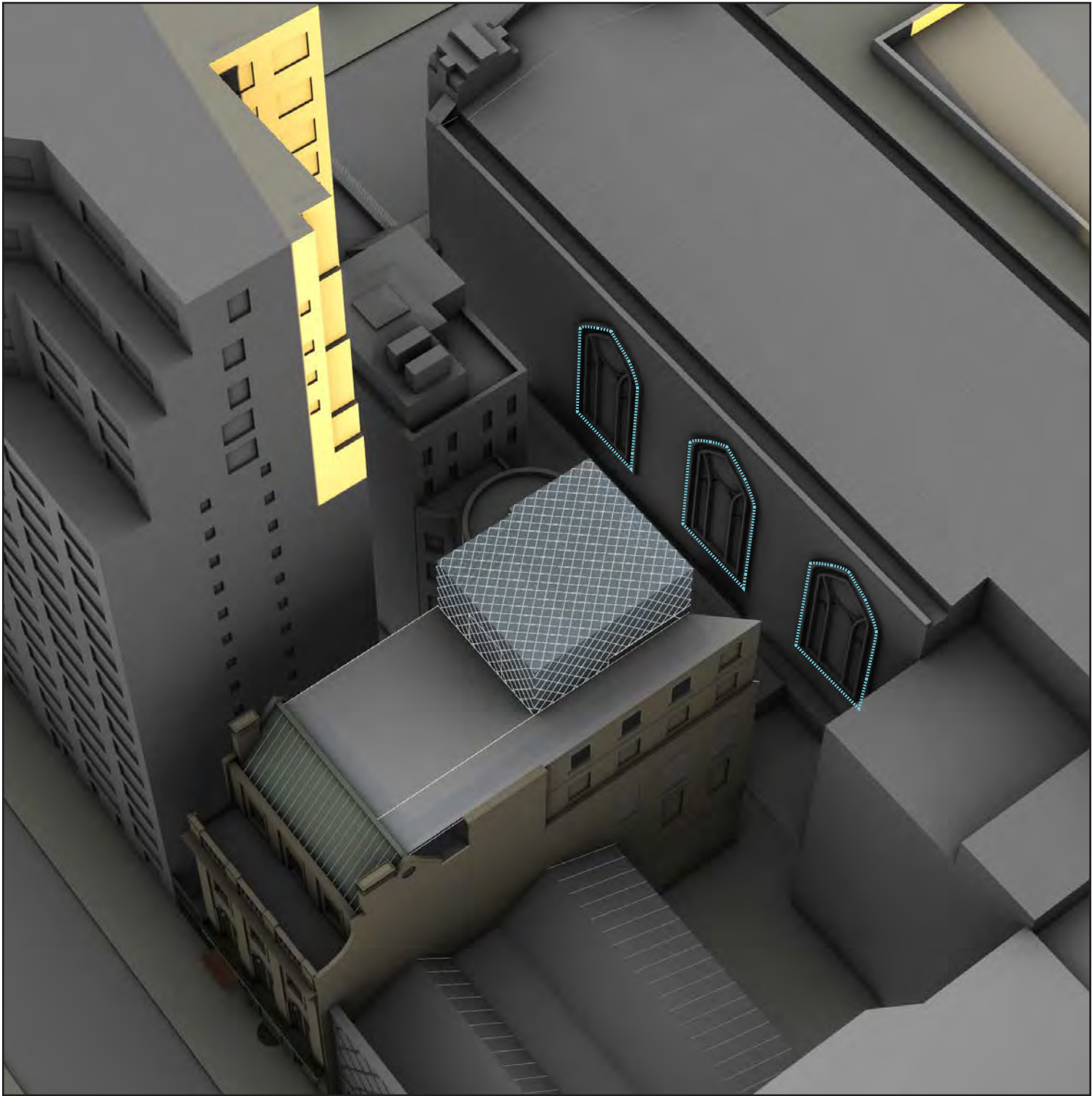
SHADOW STUDY
DECEMBER 21

WINTER SOLSTICE - SUN AT LOWEST ANGLE OF THE YEAR

DECEMBER 21, 8AM



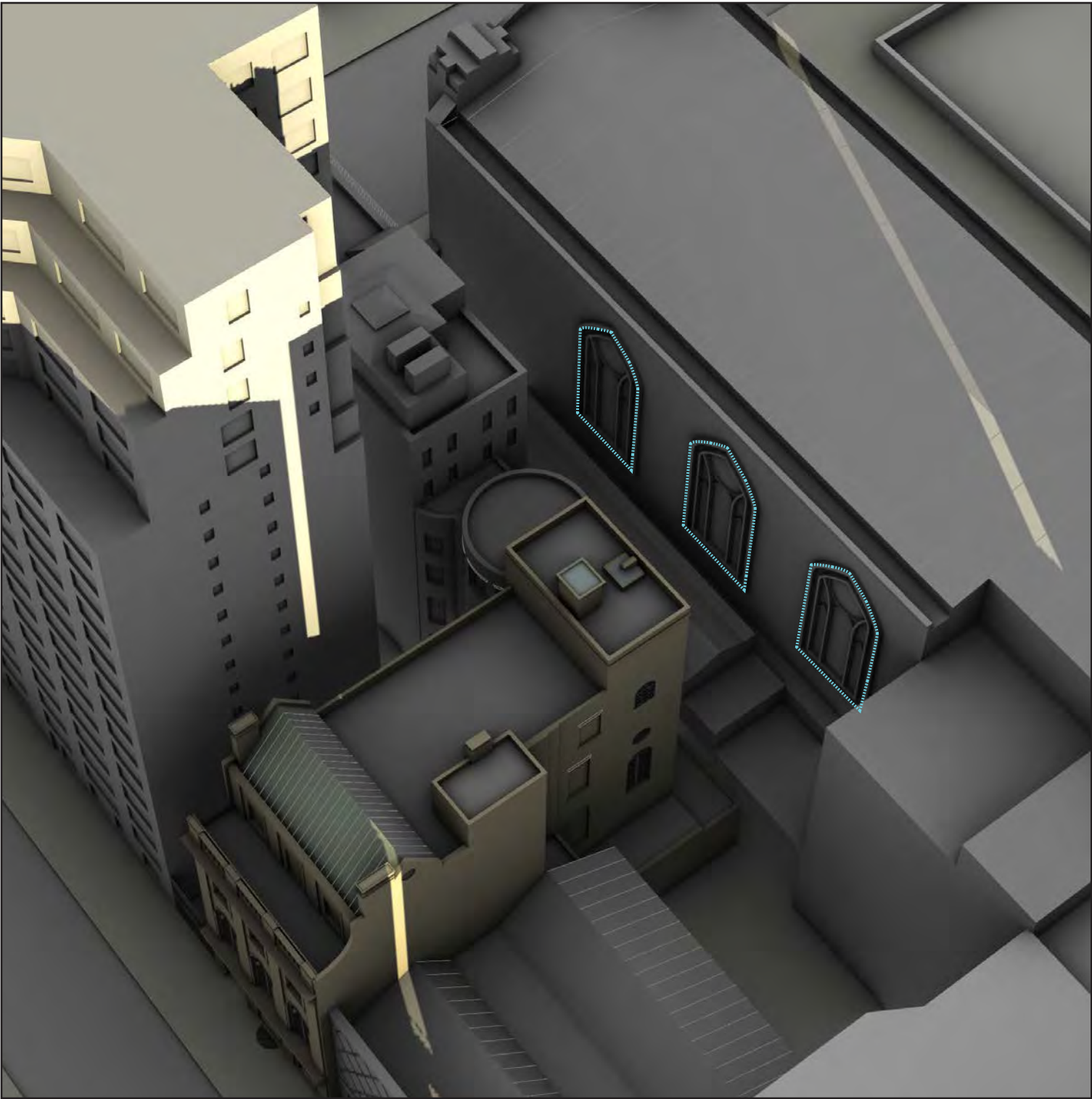
Existing Building



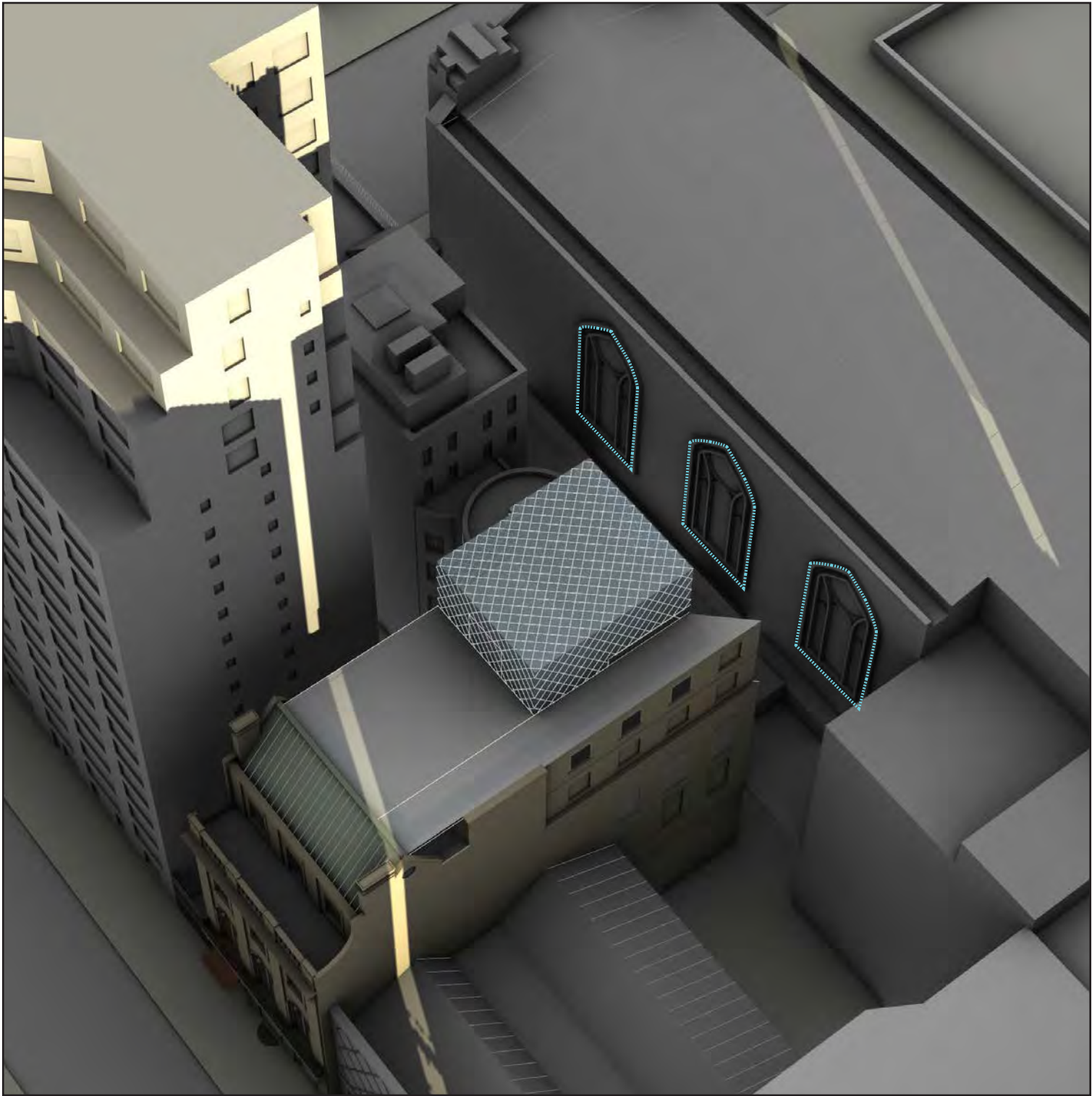
Proposed Addition

Additional Shadow Church Windows

DECEMBER 21, 9AM



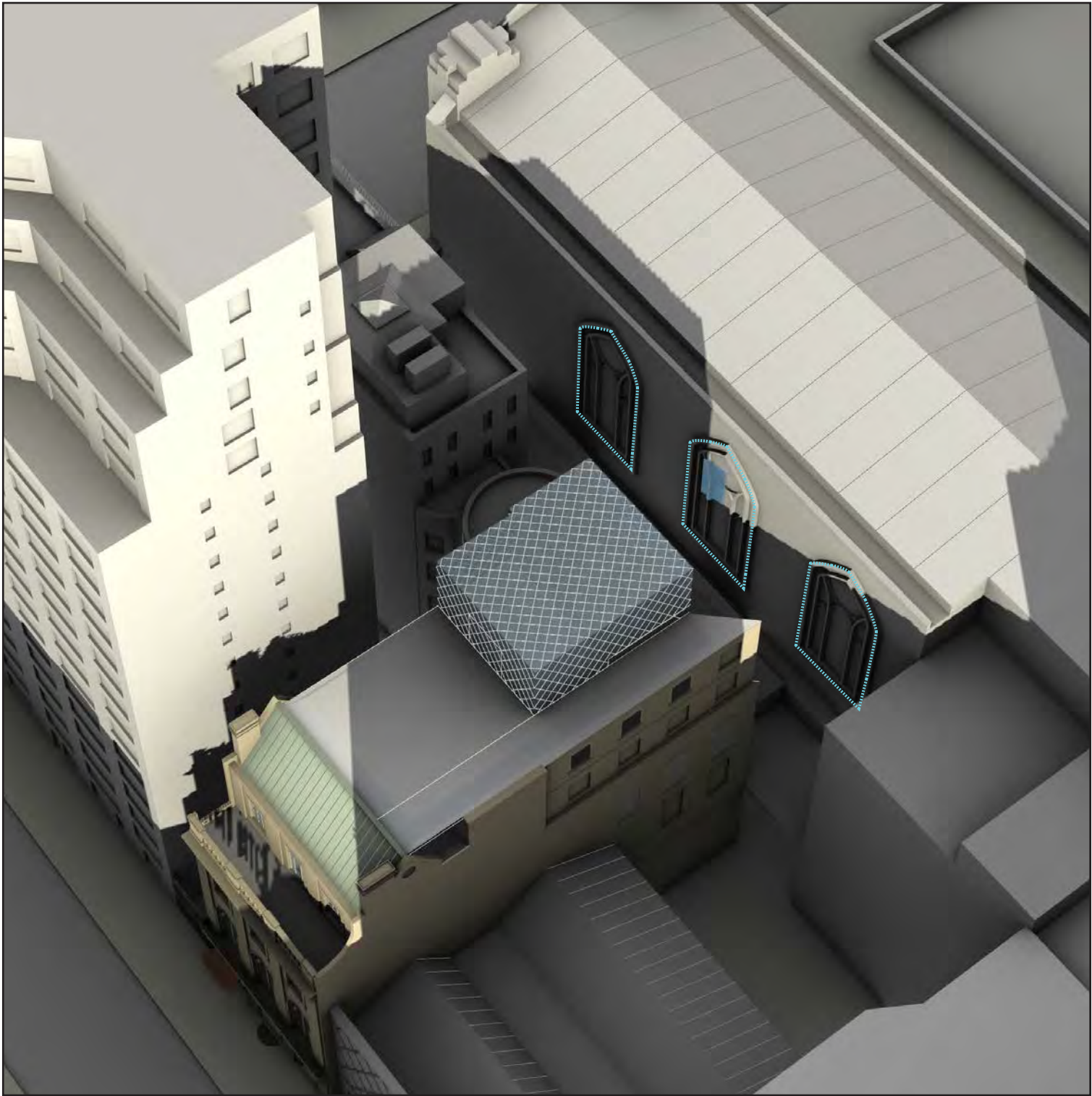
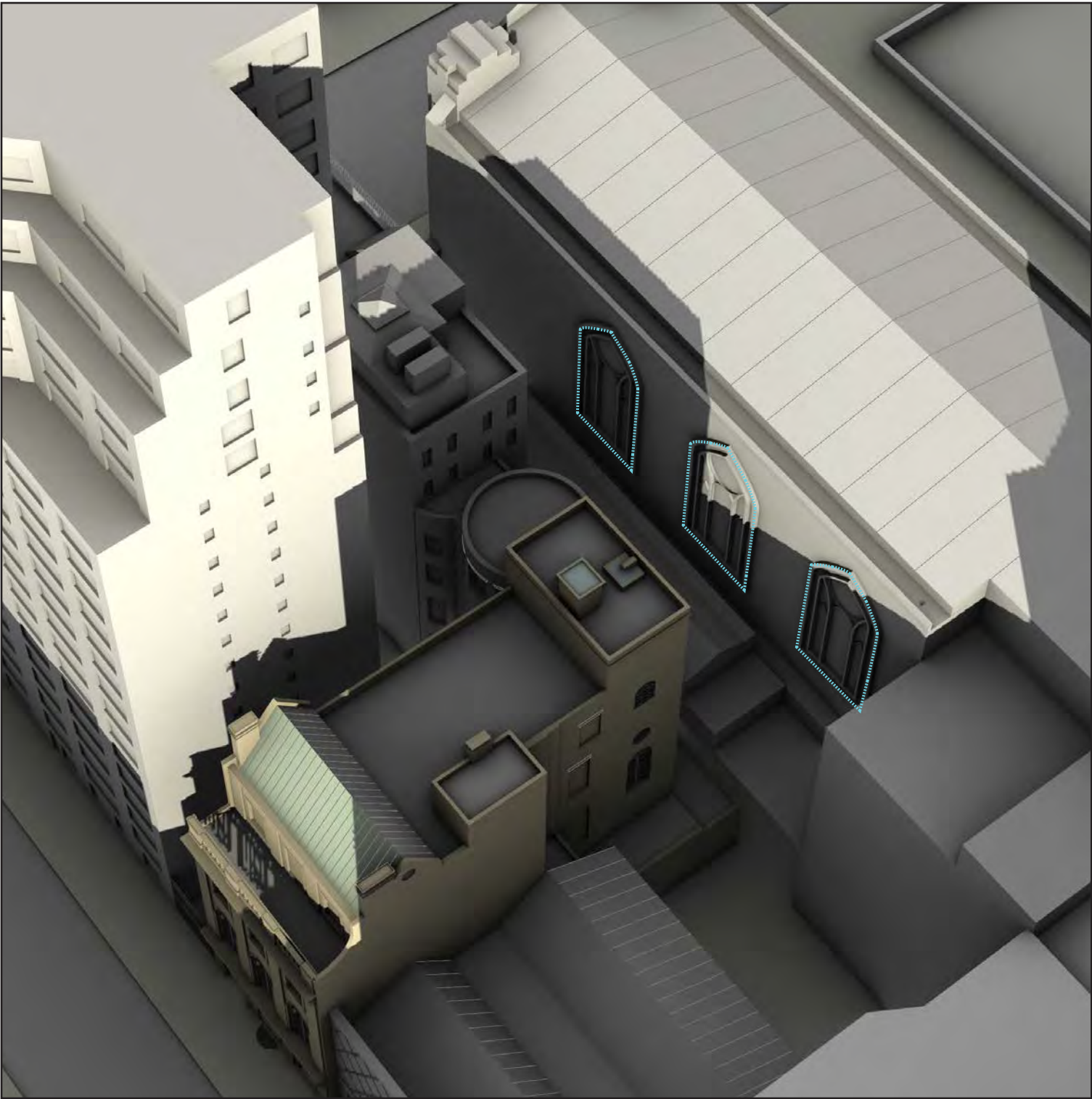
Existing Building



Proposed Addition

Additional Shadow Church Windows

DECEMBER 21, 10AM



Existing Building

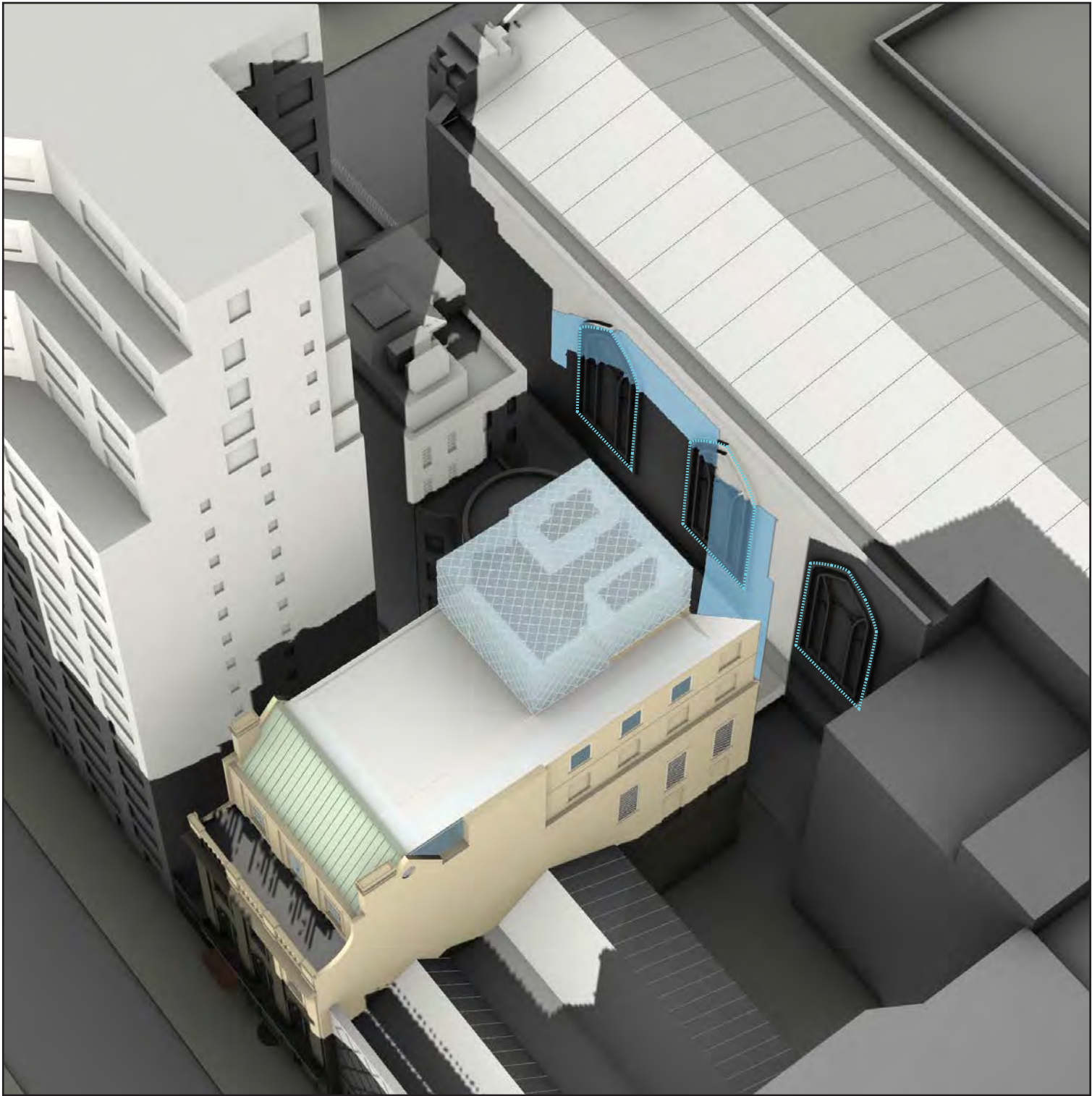
Proposed Addition

Additional Shadow Church Windows

DECEMBER 21, 11AM



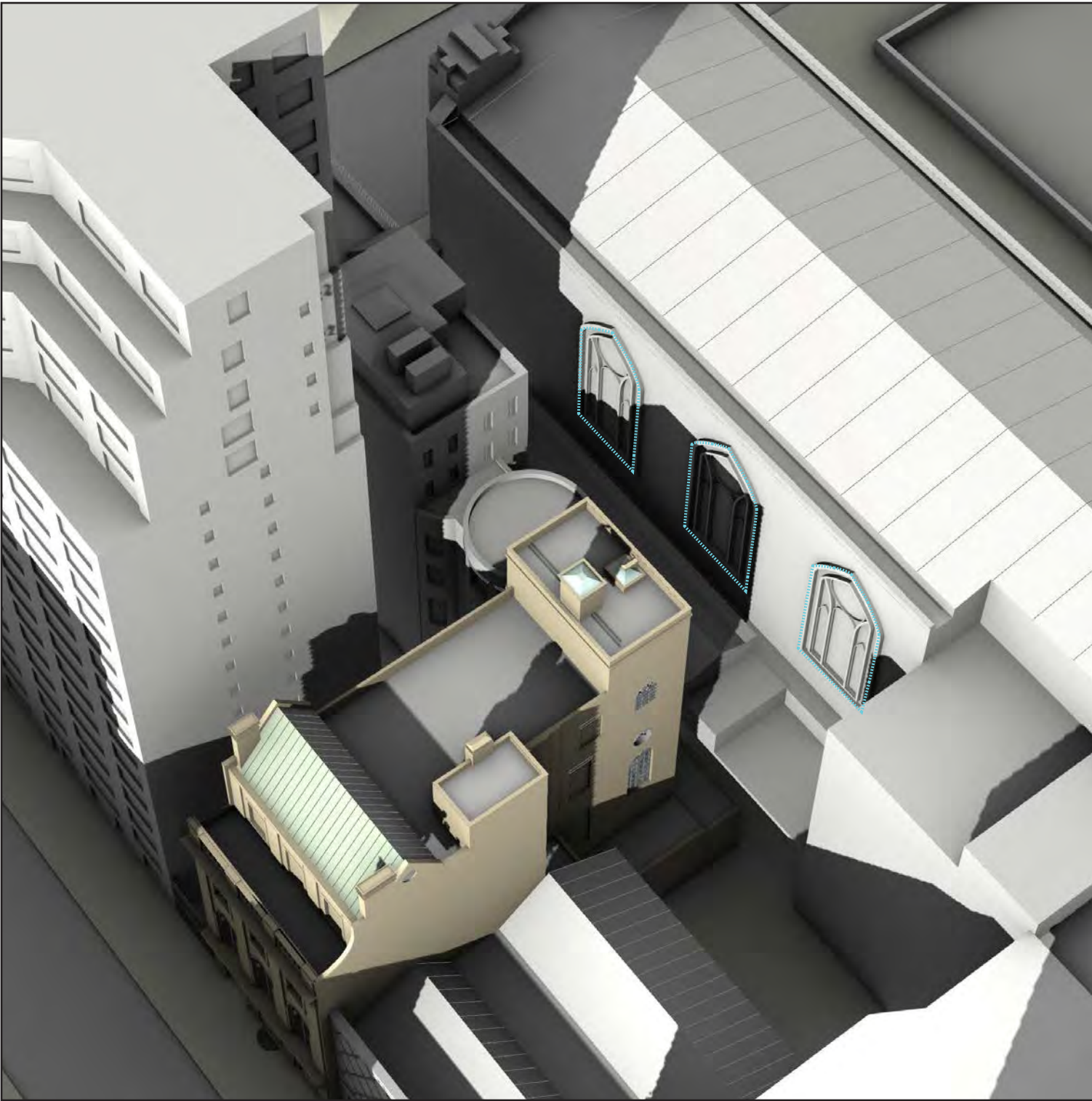
Existing Building



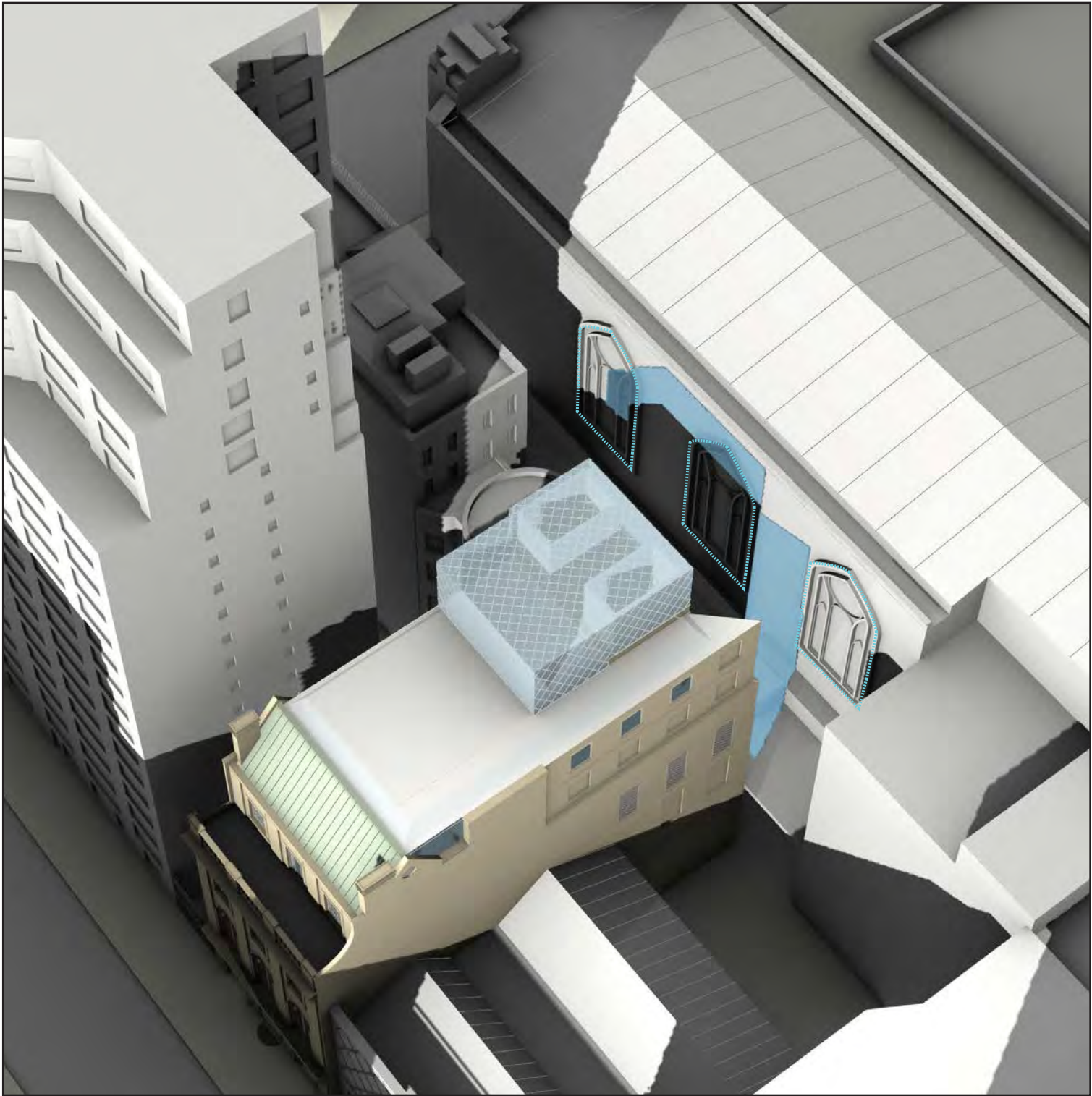
Proposed Addition

Additional Shadow Church Windows

DECEMBER 21, 12PM



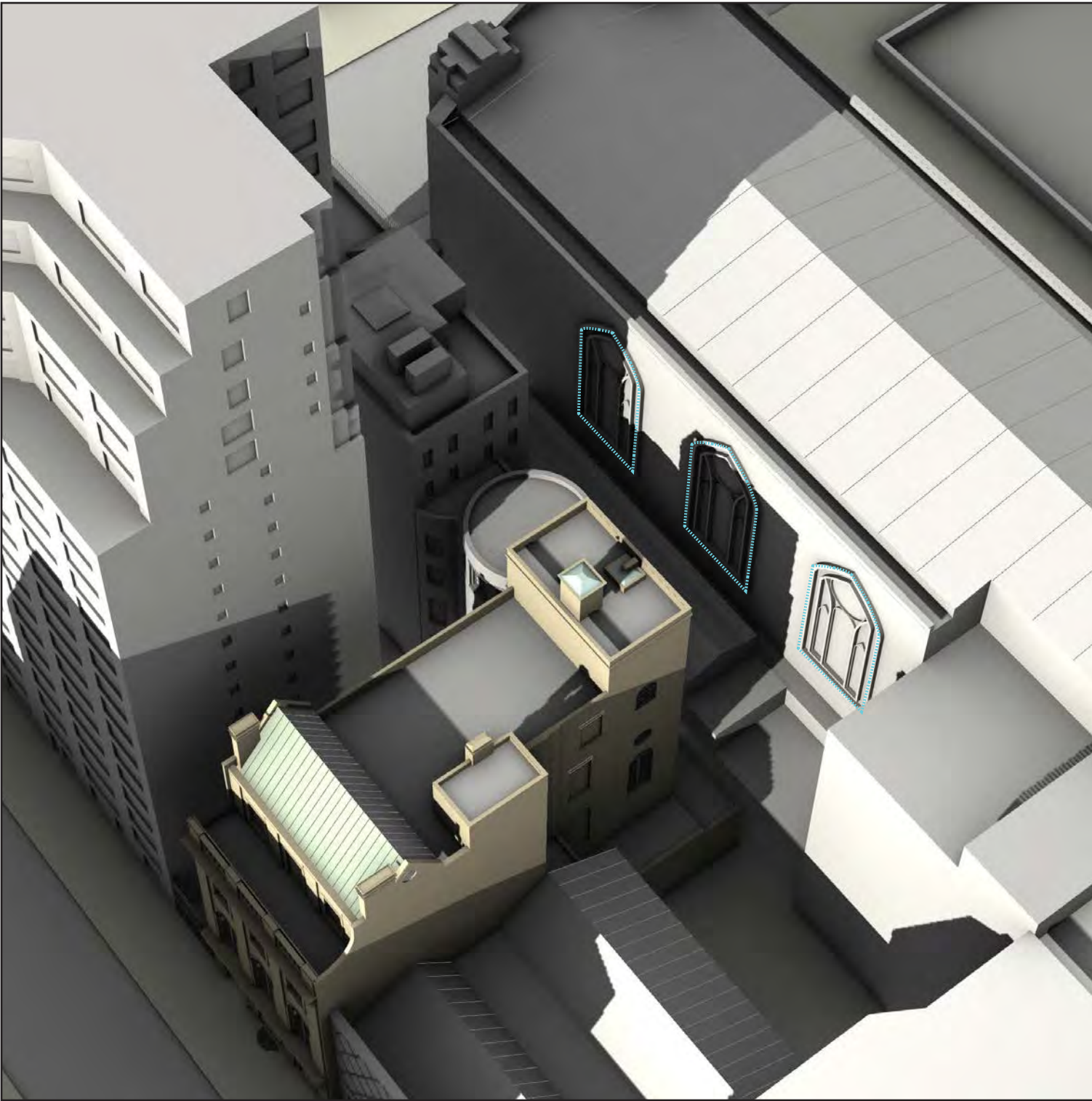
Existing Building



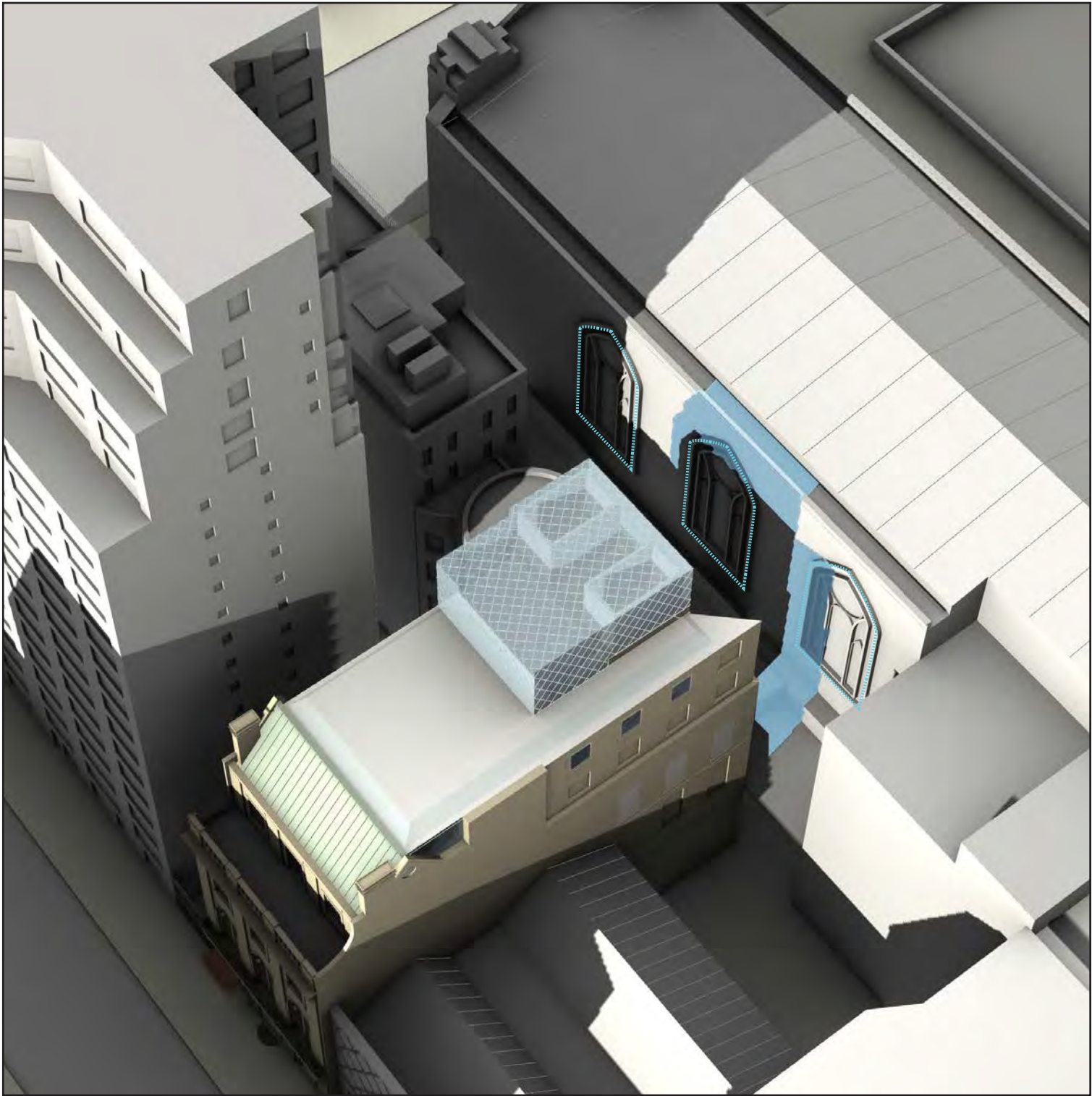
Proposed Addition

Additional Shadow Church Windows

DECEMBER 21, 1PM



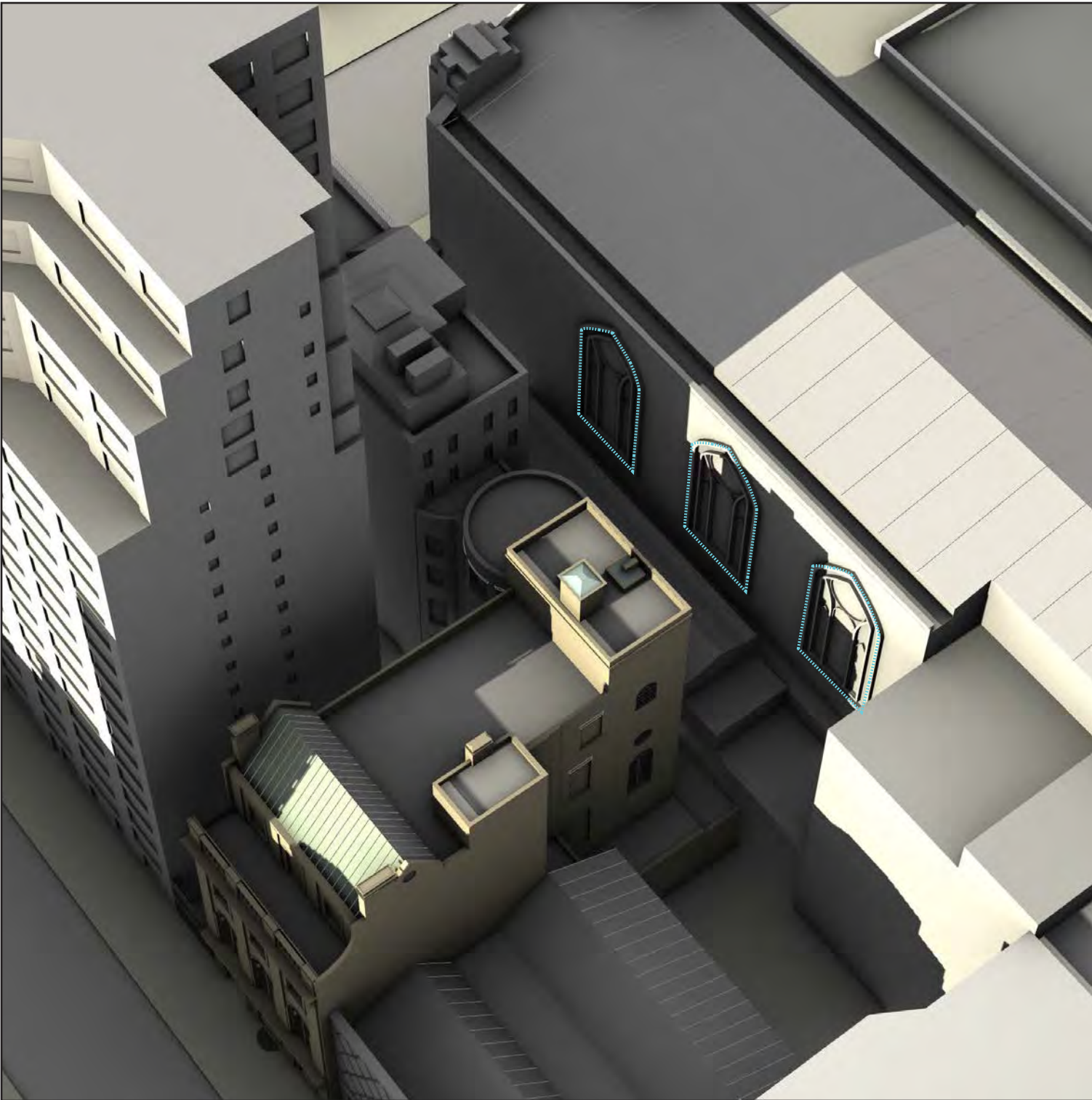
Existing Building



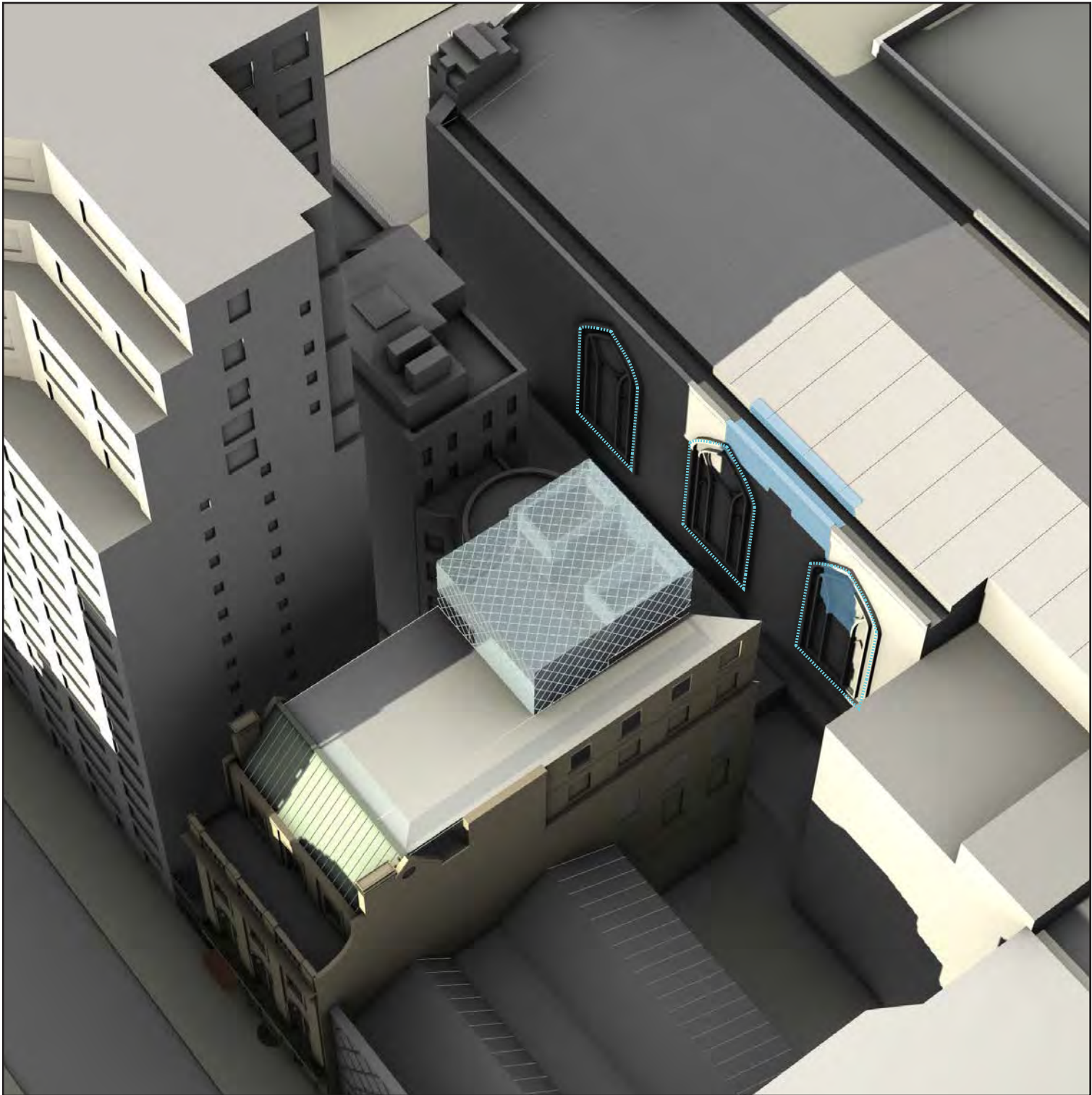
Proposed Addition

Additional Shadow Church Windows

DECEMBER 21, 2PM



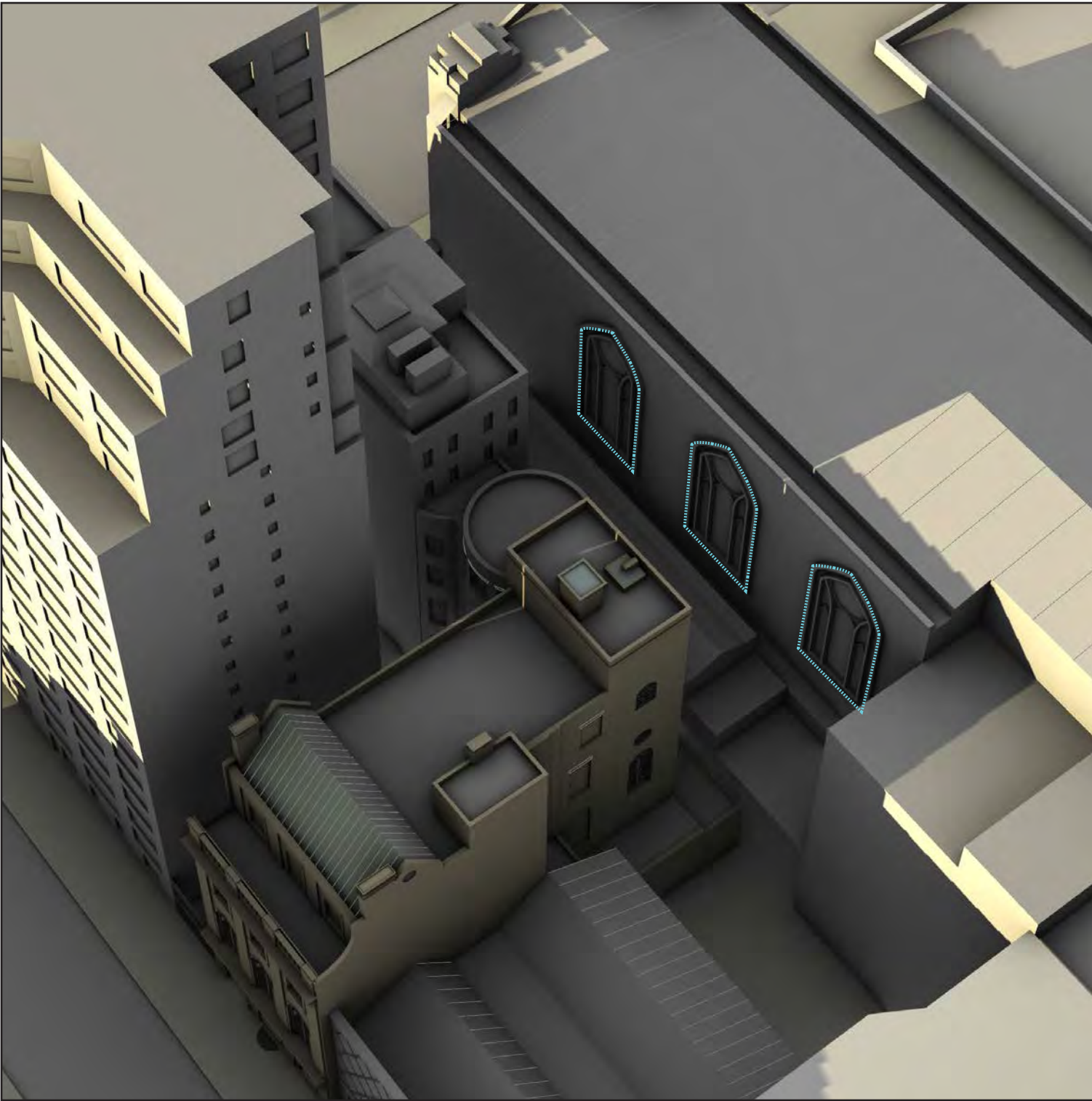
Existing Building



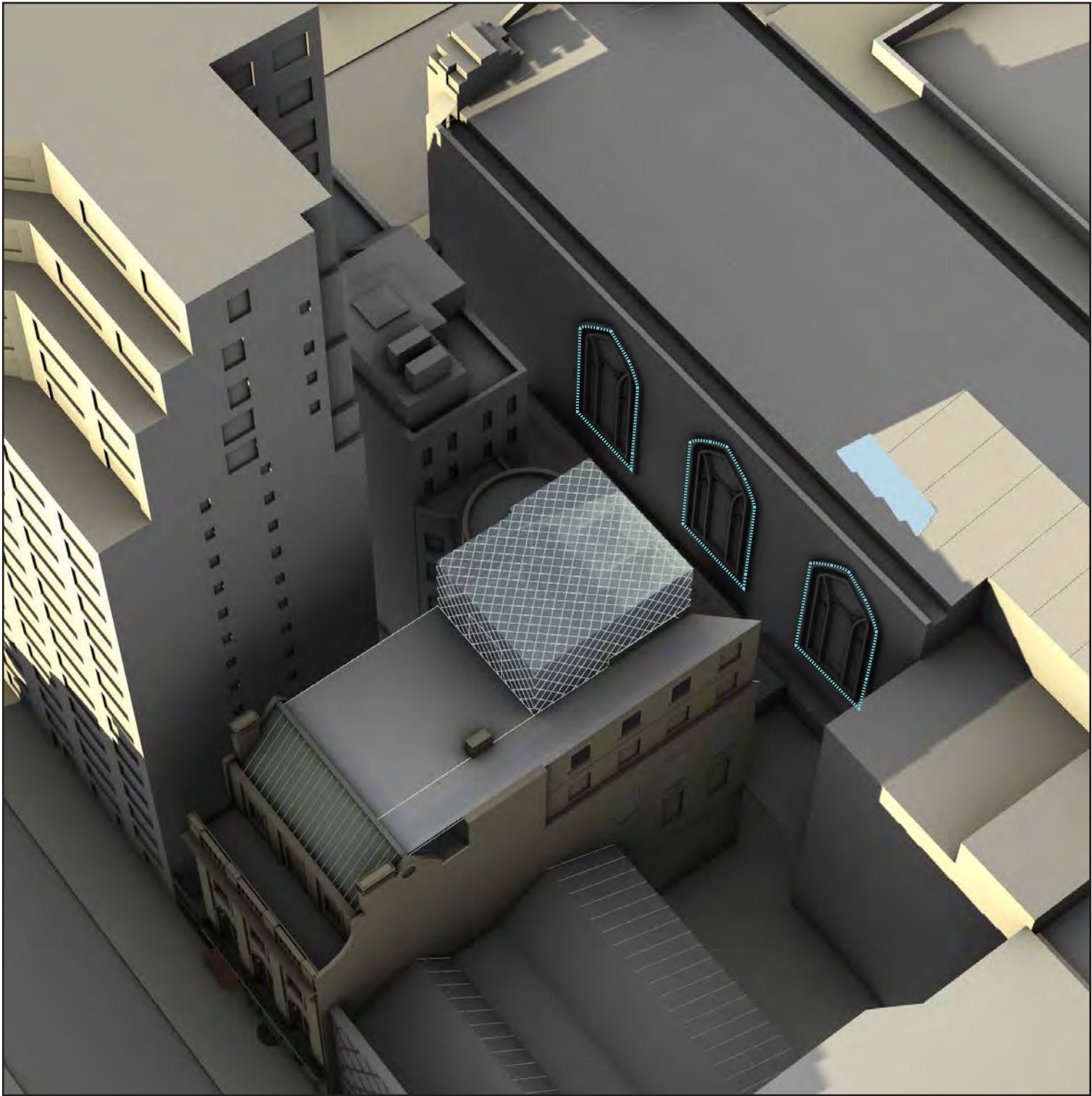
Proposed Addition

Additional Shadow Church Windows

DECEMBER 21, 3PM



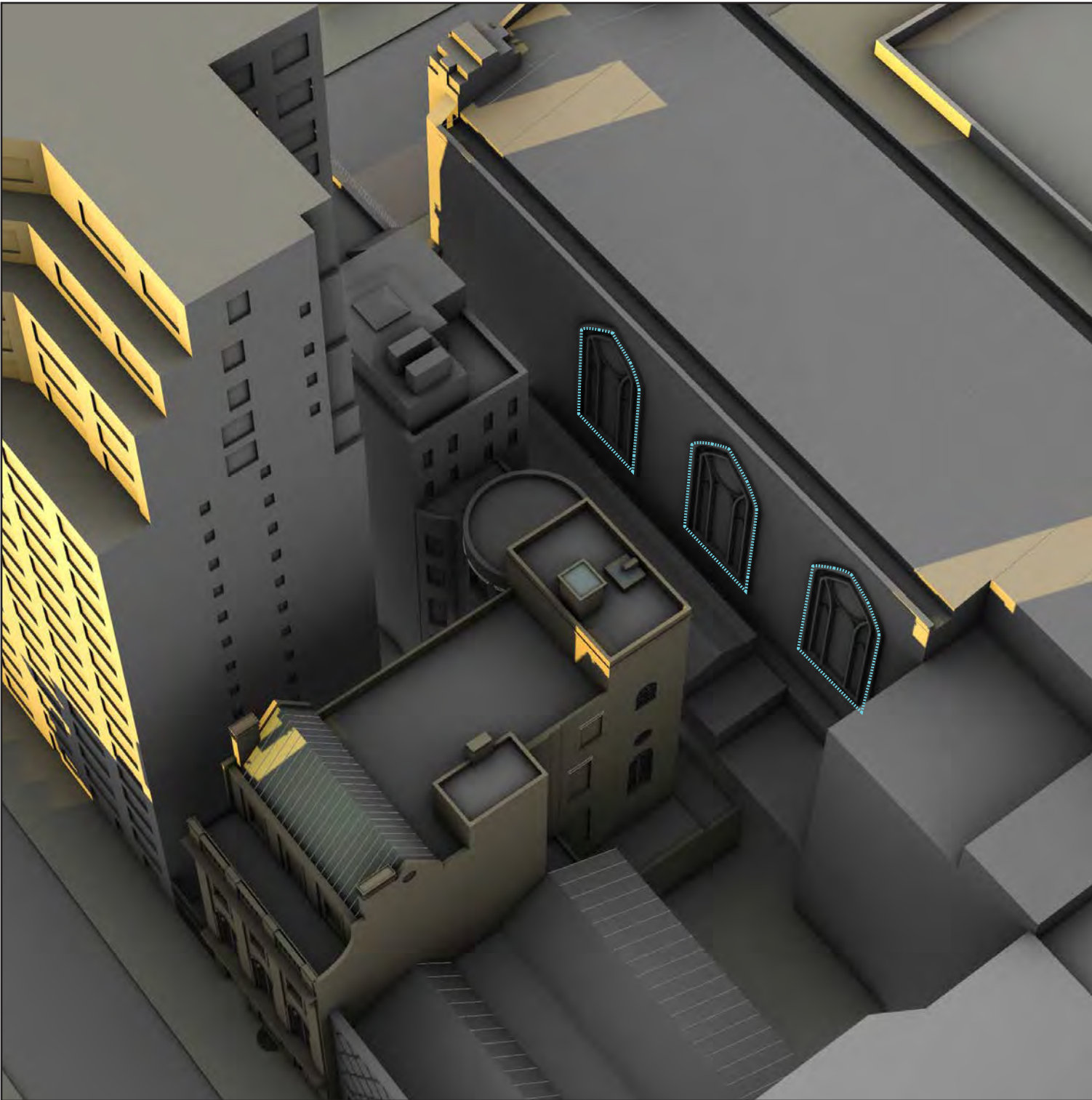
Existing Building



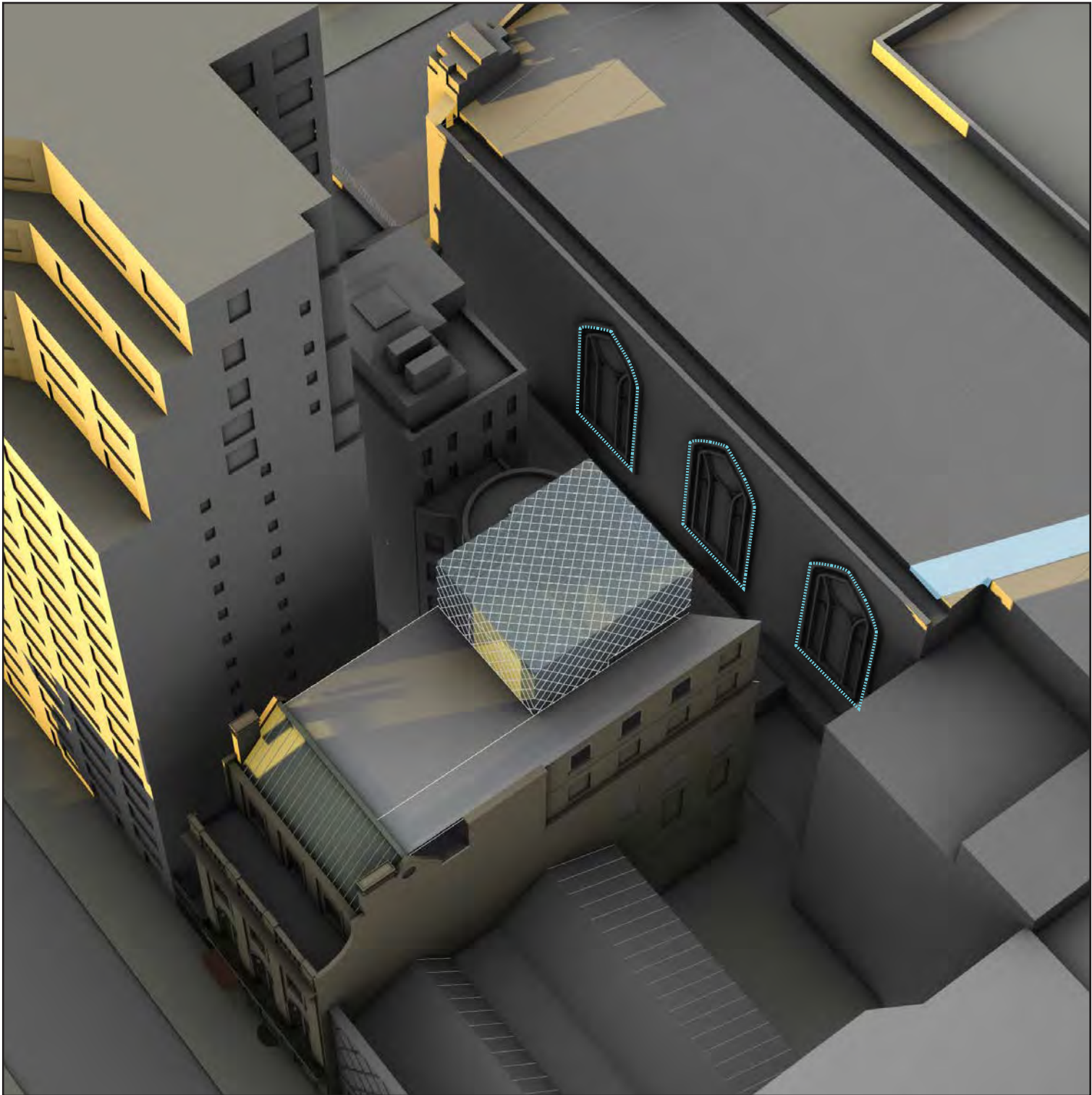
Proposed Addition

Additional Shadow Church Windows

DECEMBER 21, 4PM



Existing Building



Proposed Addition

Additional Shadow Church Windows

Appendix C

NYC DEP Correspondence



March 10, 2021

Rachel Antelmi
Project Manager
Environmental Assessment and Review Division
New York City Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Vincent Sapienza, P.E.
Commissioner

Angela Licata
*Deputy Commissioner of
Sustainability*

59-17 Junction Blvd.
Flushing, NY 11373

Tel. (718) 595-4398
Fax (718) 595-4422
alicata@dep.nyc.gov

**Re: 3 East 89th Street
Block 1501, Lots 4, 5, and 7
CEQR # 77DCP736M**

Dear Ms. Antelmi:

The New York City Department of Environmental Protection, Bureau of Sustainability (DEP) has reviewed the November 2020 Environmental Assessment Statement and February 2021 Hazardous Materials Attachment prepared by BFJ Planning, and the January 2021 Phase I Environmental Site Assessment (Phase I) prepared by Environmental Studies Corporation on behalf of 3 East 89 Holding LLC (applicant) for the above referenced project. It is our understanding that the applicant is seeking a special permit from the New York City Department of City Planning (DCP) pursuant to Zoning Resolution Section 74-711 (Landmark Preservation in all Districts) to waive the use, rear yard, height, and minimum distance between buildings regulations that apply to the site at 3 East 89th Street; Block 1501, Lot 5 (Development Site) in the Carnegie Hill neighborhood of Manhattan Community District 8. The Development Site is part of a larger zoning lot comprised of three tax lots: 3 East 89th Street (Lot 5), 5-7 East 89th Street (Lot 7) and 1083 Fifth Avenue (Lot 4). The proposed special permit would facilitate, in two phases, the conversion and enlargement of 3 East 89th Street (Lot 5), and would not make any changes to Lot 4 or Lot 7. The first phase (Phase 1) of the proposed project includes the conversion of floors one through five of the building to a Use Group 6 commercial art gallery, and as-of-right interior renovations and façade restoration that would facilitate the change of use. The second phase (Phase 2) of the proposed project includes: 1. Enlargement of the Use Group 6 commercial art gallery at: the rear of the building above the existing first floor footprint, at floors two and three; the eastern side of the building above the existing first floor footprint, at floors two through three; and 2. Converting floors four and five to a single Use Group 2 residential dwelling unit; and 3. Enlargement of the Use Group 2 residential dwelling unit by: enlarging the eastern side of the building above the first floor footprint, at the fourth floor; enlarging the fifth floor behind the existing copper-clad mansard; and constructing a new sixth floor. The only ground disturbance that would occur as facilitated by the proposed action would be the excavation of a new elevator pit for the installation of a modern elevator that would comply with New York City building codes.

The January 2021 Phase I report revealed that historical on-site and surrounding area land uses consisted of a variety of residential and commercial uses including museums, residential dwellings, a church, parkland, commercial/retail stores, medical/professional offices, schools, a bank, garages, etc. Regulatory databases identified 26 spills, 2 historical auto sites, and 5 historical cleaner sites within 1/8 mile; 12 underground storage tank sites, 92 aboveground storage tank sites, and 7 dry cleaners within 1/4 mile; 69 leaking storage tank sites, 1 voluntary cleanup program site, and 1 brownfield site within 1/2 mile; and 1 manufactured gas plant site within 1 mile of the project site.

Based upon our review of the submitted documentation, we have the following comments and recommendations to DCP:

- The proposed project would involve excavation of a new elevator pit for the installation of a modern elevator; however, the Phase I report did not identify potential hazardous materials concerns on-site or nearby. Therefore, DEP has no objection to the proposed project.

Future correspondence and submittals related to this project should include the following CEQR # **77DCP736M**. If you have any questions, you may contact Mohammad Khaja-Moinuddin at (718) 595-4445.

Sincerely,



Wei Yu
Deputy Director, Hazardous Materials

c: R. Weissbard
M. Khaja-Moinuddin
T. Estes
R. Lucas
M. Wimbish
O. Abinader – DCP

Appendix D

NYC DOT and NYC DCP Correspondence

Hi Shu,

Apologies for my late response, there have been some changes to the project since I last reached out. The proposed action is now as follows:

The Applicant, the owner and operator of a commercial art gallery, proposes to consolidate its gallery operations into a single facility on the premises, and to create a living unit for herself and her family. To facilitate her plans, the Applicant will need a special permit under ZR 74-711 to allow the Use Group 6 commercial art gallery and the construction of a vertical enlargement and a multi-story horizontal enlargement, which will require waivers of use (ZR 22-10), rear yard (ZR 23-47) and height regulations (ZR 23-662 and 23-692). In addition to the special permit, the Applicant will need approval from the Landmarks Preservation Commission.

Attached are the plans showing the site and building plans for the proposed action.

The information below should provide you the information requested in your last email.

1. What is the proposed commercial art gallery in relation to the existing art gallery?

Until recently, the zoning lot was owned by the National Academy of Design. The three buildings were connected and used together as a non-commercial art gallery and school. Last year, the three buildings were placed on the market. In June 2018, 1083 Fifth Avenue was sold to an LLC, which has filed an application with the City to convert the building to a single family residence. In December 2018, 5-7 East 89th Street was sold to an LLC, which intends using its building as a museum. This year, 3 East 89th Street was sold to the Applicant.

2. Will the proposed action include a retail store (i.e. a gift shop) or event space for commercial purpose?

Yes, the proposed 14,621 commercial art gallery will include a 590 SF accessory café (430 SF seating area, 160 SF food warming area) and a 270 SF gallery shop. Please see the attached ground floor plan showing the SF allocated for these spaces.

3. Please provide square footage of the existing and proposed uses.

The following tables highlight the existing and proposed uses for the project site (3 East 89th Street) as well as the two building it was previously connected with.

Existing:

Site	Use Group Type	SF
3 East 89th Street	Non-commercial art gallery	13,870
5 East 89th Street	Non-commercial art gallery	8,540
1083 Fifth Avenue	Non-commercial art gallery	14,286

Proposed:

Site	Use Group Type	SF
3 East 89th Street	Residential	4,737
	Commercial art gallery	14,621
5 East 89th Street	Non-commercial art gallery	8,540
1083 Fifth Avenue	Residential	15,197

Many thanks,

Taylor Young

From: Li, Shuzuan <sli@dot.nyc.gov>
Sent: Friday, January 24, 2020 12:17 PM
To: Lauren Rennee
Cc: Samuelsen, Michele; Ahmed, Shakil
Subject: RE: Trip Generation Rates: Art Gallery

Follow Up Flag: Follow up
Flag Status: Completed

Hi Lauren,
Based on the available information, we recommend using the museum rate based on Table 16-2 of CEQR Technical Manual to estimate the projected trips generated by the commercial art gallery. Please let me know if you have any question.

Thanks,
Shu

From: Rennee, Lauren (TIMS)
Sent: Tuesday, December 10, 2019 9:26 AM
To: Ahmed, Shakil
Cc: Samuelsen, Michele; Li, Shuzuan
Subject: RE: Trip Generation Rates: Art Gallery

Hi Shu,

Following up to see if you could provide us with guidance for trip generation rates for this project.

Many thanks,

Lauren

Lauren Rennée AICP, PTP

BFJ Planning
115 FIFTH AVENUE
NEW YORK, NY 10003
T. +1 212 353 7484
E: l.rennee@bfjplanning.com

WWW.BFJPLANNING.COM

From: Lauren Rennee
Sent: Wednesday, November 20, 2019 10:40 AM
To: Ahmed, Shakil
Cc: Samuelsen, Michele ; Li, Shuzuan
Subject: RE: Trip Generation Rates: Art Gallery

Taylor Young

From: Rachel Antelmi (DCP) <RAntelmi@planning.nyc.gov>
Sent: Thursday, October 21, 2021 8:50 AM
To: Taylor Young
Cc: Stuart Beckerman; Stefanie Marazzi; Sarah Yackel
Subject: Re: 3 E. 89th Street EAS - July 13, 2021 Revised Draft
Attachments: 20211020_3 E 89 Street EAS Transportation Comments.pdf

CAUTION: External E-mail

Hi Taylor,

Please see transportation comments below and attached. Once these comments are addressed the transportation section should be ready for sign off.

1. Nonprofit gallery & Commercial gallery
 - a. Please change the AM in/out split to 50/50, MD to 63/37 and PM to 52/48.
2. Residential
 - a. Please calculate auto vehicle occupancy using journey to work data.

RACHEL ANTELM

SENIOR PROJECT MANAGER
ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

NYC DEPT. OF CITY PLANNING

120 BROADWAY, 31ST FLOOR • NEW YORK, NY 10271
rantelmi@planning.nyc.gov

Appendix E

Boiler Capacity Letter

July 9, 2021

Jim Herr
Rafael Vinoly Architects PC
375 Pearl Street, Floor 31
New York NY 10038 USA

Re: Salon94
3 East 89th St
New York, NY 10128\

Dear Mr Herr,

The original coal fired boiler plant for the building was installed with the original building construction in 1914. In 2011 a project was commissioned to replace these boilers, and in 2012, three (3) #2 oil-fired Buderus Model G-315/7 were installed, with a nominal output of 559MBH each. These boilers were originally designed to in a lead/lag fashion, controlled by a Buderus control panel.

As part of this Salon 94 renovation project, much of gas piping, combustion air ductwork and flue in the cellar was replaced with new. All flue ductwork in the cellar has been reconnected to existing chimneys that extend to the top of the building and discharge above the roof.

Much of the building heat is now provided by a new VRF refrigerant system, and due to the decreased demand, one of the existing boilers has been decommissioned. The remaining two operate in a lead/lag configuration via manual switchover.

Based on the above, neither the boilers nor the existing stack location are expected to change to address the needs of the proposed construction. Refer to the attached site plan indicating the approximate locations of the existing boiler room and flue stack. Therefore, a stationary source air quality analysis is not warranted, and the proposed action would not result in significant adverse impacts related to air quality.

Please do not hesitate to contact our office with any questions or concerns,

Best regards,
M-E Engineers



Erik Pfeiffer, PE
Associate Principal

Appendix F

Air Toxics Analysis Tables

AIR TOXICS ANALYSIS TABLES

Table 1: Guggenheim Museum, Manhattan Block 1500, Lot 1 (1070 Fifth Avenue) CATS Information

Application ID	Type	Request Type	Status	Submitted Date	Decision Date	Expiration Date
PB028309	Registration – Engine/Generator	Renewal - Combustion	Current	6/1/2021	6/25/2021	8/26/2024
PA042492	Registration – Engine/Generator	Cancellation - Combustion	Cancelled	N/A	9/17/1992	9/24/2007

Discussion

The Guggenheim Museum has two air toxics permits on file in the NYC CATS database. Permit PB028309 is an active industrial permit for a generator, and Permit PA042492 is a canceled permit for a generator that expired in 2007. The active generator permit is for a Cummins NT855-G3 generator that runs on No. 2 Fuel Oil and has a heat input of 2.44 million BTH/Hr. The Guggenheim Museum has art galleries, a theater, a café, an accessory store, labs, and meeting rooms that all require climate control. The generator is likely used to provide backup power in emergencies or to supplement the power that the museum pulls from the energy grid during special events. It is therefore unlikely that the exhaust created by the temporary use of the generator at the Guggenheim Museum would result in significant air quality impacts.

Table 2: Manhattan Block 1500, Lot 20 (1225 Madison Avenue) CATS Information

Application ID	Type	Request Type	Status	Submitted Date	Decision Date	Expiration Date
CB025203	Certificate to Operate - Boiler	Inspection Request Renewal CO	Current	9/5/2018	10/31/2018	9/19/2021
CB078214	Certificate to Operate - Boiler	Inspection Request Renewal CO	Current	9/5/2018	10/31/2018	8/13/2021
PB010000	Work Permit – Industrial	Cancellation – Industrial	Cancelled	NA	7/10/2000	11/27/2001
PA062289	Certificate to Operate – Industrial	Cancellation – Industrial	Cancelled	NA	8/7/1989	5/12/2004
CA518969	Certificate to Operate – Boiler	Cancellation	Cancelled	NA	1/1/1969	7/1/2004
CA207085	Registration – Boiler	Cancellation – Boiler Registration	Cancelled	NA	4/29/1985	5/16/2003
CA024080	Certificate to Operate – Boiler	Cancellation	Cancelled	NA	1/1/1900	10/25/2016

Discussion

Black and White Cleaners is listed as the owner of Permits PA062289 and CA207085. Hoon Chul Park is listed as the owner of permit PB010000, and they are listed as the Chief Executive Officer of Black & White Cleaners in the NYS Department of State Division of Corporations Entity Information database. The three permits associated with Black & White Cleaners are all canceled, and the industrial permits were canceled and expired at least 17 years ago. The remaining permits are owned by the building's Tenant's Corporation or Brown Harris Stevens, Inc. The current permits are owned by 47-88 Tenants Corporation c/o Douglas Elliman, and are for the operation of two boilers.